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ABSTRACT

The general purpose of this study was to develop and implement, in close collaboration with parole authorities in various states, improved procedures for parole decisions. A discussion of the general nature of the paroling policy or guideline models sought is presented, with emphasis on providing a means for repeated assessment and revision of policy. This is followed by the general methods used. Two types of guideline models were developed, called sequential and matrix models. The specific guidelines produced with the seven different jurisdictions are presented, utilizing the two general model types. Suggestions for guideline development based on experience in this study are presented, as is a discussion of differing models and of some moral issues that arise from the results of the project. The report is generally addressed to parole board members and others in leadership positions in the criminal justice system. (KA)

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# Classification for Parole Decision Policy

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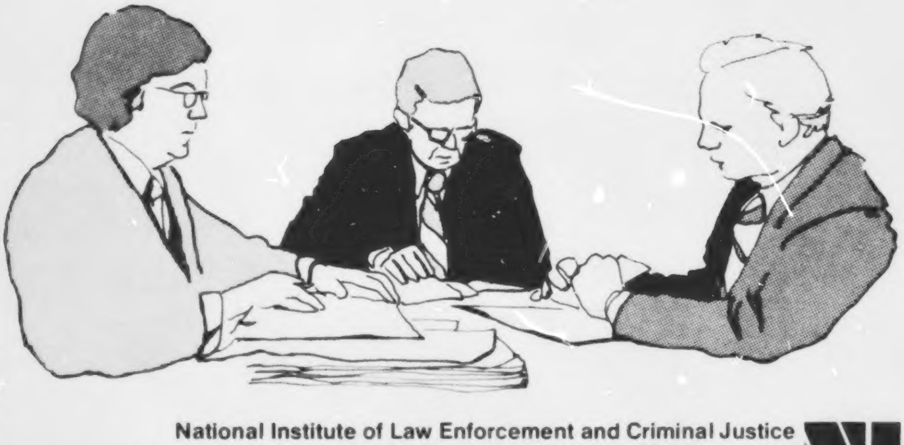

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**National Institute of Law Enforcement and Criminal Justice**
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# Classification for Parole Decision Policy

Donald M. Gottfredson
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Jane Wallerstein
Carol Rauh

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**National Institute of Law Enforcement and Criminal Justice**
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# Classification for Parole Decision Policy

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# PREFACE

> guideline, *n.*, a standard or principle by which to make a judgment or determine a policy or course of action...
>
> *Webster's New Twentieth Century Dictionary*
> Second Edition, Collins-World, 1976

Parole board members and others with responsibilities for decision-making in the criminal justice system may require standards or principles to guide them in two related but distinct decision functions. These two types of decisions are individual case decisions and general policy decisions. Statements of standards may provide guidelines to assist in individual case judgments and at the same time give a basis for determination of general policy, that is, of the course of action to be taken in future decision-making. The studies reported here have been motivated by the desire to provide both types of assistance to paroling authorities.

Parole board decisions are complex, but relatively simple guidelines were sought to be developed. A recent study of decisions by the United States Parole Commission, discussed in some detail in Chapter 1, suggested the probability that guidelines could be devised and used by state parole boards in both case decisions and policy formulation. Accordingly, the work reported here was undertaken in collaboration with seven state paroling authorities.

After discussion in Chapter 1 of the general nature of the paroling policy or guideline models sought, with emphasis on providing a means for repeated assessment and revision of policy, the general methods used are presented and discussed in Chapter 2. The next seven chapters present the specific guidelines produced with the seven different jurisdictions. Chapter 10 offers guidance on guideline development based on experience in this study; and Chapter 11 presents a discussion of differing models and of some moral issues that arise from the results of the project.

Generally, the report has been addressed to parole board members and others in leadership positions in the criminal justice system. More technical information has been included in the appendices. These include a description of a promising classification method for parole prediction research (Appendix A). Included also (in Appendix B) is a description of a related guidelines study completed by Parent and Mulcrone for the Minnesota paroling authority.

It must be emphasized that it was not the goal of this project to develop, for any state or for parole boards generally, the definitive standards, principles, guidelines, or policy for paroling persons from prison. Far from it! The aims of the project were more akin to action research. The nature of an action research model, usually attributed to Kurt Lewin (30 years ago), is well summarized by Sanford:

> Action research consisted [for Lewin] in analysis, fact-finding, conceptualization, planning, execution, more fact-finding or evaluation; and then a repitition of this whole circle of activities; indeed, a spiral of such circles.[1]

It was intended to initiate just such a spiral of activities, and the *evolutionary* nature of the guideline models envisioned was emphasized throughout, as discussed in Chapter 1. Progress toward the implementation of such a process was made in each jurisdiction; but in no instance can the full circle--or spiral of such circles--yet be demonstrated. A brief focus on each of the action research stages noted by Sanford may help clarify the general aims of the study and indicate the present status of results within this framework.

## Analysis

In each jurisdiction, we sought to understand the nature of the decision problem confronting the parole board in making case decisions. We learned, for example, that a naive generalization from the prior, federal study, in which the decision could be viewed much as a "deferred sentencing" problem, would be inappropriate in a number of states. It is well known that the legal structures governing parole, and also the use of parole as a mode of release from prison vary markedly among the states. It may not be so widely recognized that the conceptions, by the decision-makers themselves, of the decision problem may also differ substantially. In certain states whose paroling authorities collaborated with us, the decision-makers clearly perceived the decision problem as one of deciding not when but *whether* to parole. In other jurisdictions, the decision problem tends to be viewed as one of deciding either the length of appropriate prison term or *when* to release the offender under parole supervision.

---

[1] Sanford, N. "Whatever Happened to Action Research?" *Journal of Social Issues*, 26, 4, 1970; Sanford refers particularly to Lewin, K., "Group Decision and Social Change," *Readings in Social Psychology*, eds. T. M. Newcomb and E. L. Hartley, New York: Holt, Rinehart and Winston, 1947.

## Fact-Finding

We sought next to determine, by various means, the general concepts underlying a presumed implicit policy for decision-making. The board members were asked to record their subjective judgments on various simple scales as they went about the daily business of case decision-making. From assessments of the relations of these judgments to the decisions, we sought to identify the major dimensions or offender attributes of concern to the board. By reporting tentative conclusions back to each board, we sought either to confirm that progress was being made toward an adequate identification of such concepts (or offender characteristics) or to move closer to an identification perceived as accurate by the board.

## Conceptualization

The next step attempted was to conceptualize a decision model thought capable of reflecting the major issues underlying an implicit policy. These models thus may reflect also the differing legal structures in the various states, differing philosophies of parole in different jurisdictions, the methods used in seeking to identify the salient concerns of the decision-makers, and the differing attitudes and methods of the research workers involved.

One aspect of the necessary conceptualization in each state was the requirement to develop some means of operational definition of the major concepts employed, moving from the subjective assessments to a more objective, more reliable system. This was thought necessary even at the possible cost of a fairly radical departure from the "fact-finding" stage just prior. For example, the issue of judged "parole prognosis" was found quite important in several jurisdictions where no objective parole prediction device with demonstrable validity is either currently available or feasible to develop in the near term; we sought, therefore, to develop models acceptable to the boards (and adequately fitting decisions in new samples) without inclusion of this item. As another example, in other jurisdictions, dimensions of concern could be adequately defined operationally but accounted for only a relatively small proportion of the differences in decisions. These concerns nevertheless were used as a basis for the guidelines conceptualized, with allowance within the guides for exercise of considerable discretion to allow for other factors to be taken into account.

Thus, the conceptualization of the guideline models was based on the fact-finding phase but was not limited to it; the model development relied also on further advice from the paroling authorities and was constrained by the requirement of adequate definitions of terms. In any case --that is, no matter what the basis for conceptualization --we relied upon the execution and further fact-finding stages of the process to determine the fit of the model to practice.

## Planning

Tentative guideline models next were presented to the boards, revised in the light of discussions, and plans for a further assessment were made.

## Execution and More Fact-Finding

The first "execution" step in this study was analogous to the validation step in prediction research. Thus, in no case was the model "installed" for use in actual decision-making before a test to determine whether or not the model provided an adequate description of present decision-making practice. This was thought to be necessary not only to provide for a first evaluation of the adequacy of the model, but also to ensure so far as possible that the decision policy was not inadvertently changed by the process of its development.

## Evaluation

After assessment of the degree of "fit" of the models in new samples, they were again presented to the boards for review, critique, possible modification and implementation. In each case we have urged that if the guidelines are put into use, procedures for their systematic review and modification be developed at the same time. This is the nature of the action research model proposed to each jurisdiction --an ongoing, continuous circle of analysis, fact-finding, conceptualization, planning, execution, more fact-finding and evaluation--and periodic repititions of this circle.

The course of this project and its results were influenced also by contributions and advice from parole board members of "observer" paroling authorities and others. In the plan for the study, as described in Chapter 2, 17 parole boards that had expressed interest in the concept of the program were designated as "observers." Representatives were to participate in meetings of the "active" collaborators in order that their advice could be obtained and so that these boards could be apprised periodically of the course of the study.

During the project, however, the National Council on Crime and Delinquency conducted two National Parole Institutes in their series, started in 1962, of five-day seminars on parole decision-making. Three three-day Parole Policy Seminars were held also.[2] Because of the common interest and for efficiency (and due to the cooperation of Dean Vincent O'Leary, Director of the National Parole Institutes, and of Loren Ranton, Director of Training, National Council on Crime and Delinquency, and their staffs) this aspect of the project was merged with the Parole Policy Seminars program. One project co-director and project staff participated in each policy seminar; in addition, one co-director participated in each of the National Parole Institutes.

The tentative results of the project in progress were thus reported to 57 parole board members and chairpersons of the eastern part of the country at the Institute held in North Carolina; and to 87 parole board members, chairpersons, and administrators who participated in the three regional Policy Seminars held in Georgia, Arizona, and Illinois. Representatives of 50 paroling authorities, in 43 states, the District of Columbia, Puerto Rico, and the federal government were thus informed of the progress of the study.[3] Participants whose boards are using or developing guidelines shared their experiences and opinions.

---

[2] National Council on Crime and Delinquency, *National Parole Institutes and Parole Policy Seminars: Final Report*, Hackensack, New Jersey: National Council on Crime and Delinquency, November, 1976. The primary sponsor of the program was the National Institute of Corrections (with funding by the Law Enforcement Assistance Administration, grant no. D-120, 73-ED-99-0019, through the New Jersey State Law Enforcement Planning Agency). Co-sponsors were the Association of Paroling Authorities, the Council on Corrections of the National Council on Crime and Delinquency, the Interstate Compact Administrators' Association and the United States Parole Commission.

[3] Four parole boards from California were represented and two from Michigan.

At the second Policy Seminar, participants were asked to list positive and negative aspects of guideline usage. As summarized in the report of the seminars:

> ...On the positive side, board members felt that guidelines would provide boards with a defense to criticisms of capriciousness, aid in orienting new members, give inmates and institutional staff a clearer notion of the board's expectations, facilitate research, save time on routine decisions, increase equity, and permit the board to evaluate and/or change its policy. The negative aspects were felt to be the funding and time required to establish guidelines, a danger of computerizing the parole decision, and a reduction in the board's discretion. Participants felt that guidelines would also make the board more open to the public and viewed this aspect as both positive and negative.[4]

Leslie T. Wilkins
Don M. Gottfredson
Project Co-Directors

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[4] National Council on Crime and Delinquency, *op. cit.*, 1976.

# Acknowledgements

This report is the result of efforts of a large number of persons who directly or indirectly contributed to the study that is described.

The excellent support and collaboration of members of the seven "active participant" paroling authorities must be noted especially. What must have seemed endless samples of data collection forms were completed by participating Boards, who also set aside valuable time to meet with project staff and discuss their paroling practices. As will be seen, the plan of the study emphasized the importance of collaboration between paroling authorities and research staff; the study could not have been done without the interest, patience and cooperation of these parole decision-makers. The authors wish to thank the following Board Members, former Board Members, and staff for their many contributions to this effort:

### North Carolina Parole Commission

Jack Scism, Chairman
James E. Cline, Commissioner
Grady D. Davis, Sr., Commissioner
Isabel S. Holmes, Commissioner
C. Dempsey McDaniel, Commissioner
Wiley Earp, former Commissioner

### Virginia Parole Board

Pleasant C. Shields, Chairman
W. K. Cunningham, Jr., Member
Margaret B. Davis, Member
Nathaniel W. Purdue, Member
Morris L. Ridley, Member

### Louisiana Board of Parole

Sybil L. Fullerton, Chairman
Austin Fontenot, Member
Louis Jetson, Member
Weber B. Stevens, Member
J. E. Stout, Member

## Missouri Board of Probation and Parole

W. R. Vermillion, Chairman
Dick D. Moore, Member
Ferd N. Sturm, Member
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Arthur J. Kolkmeyer, Hearing Analyst

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Julio Gonzales, former Member
William L. Richey, former Member
Robert D. Anderson, Board Representative
Warren A. Fahey, Board Representative
Gerald L. Hodgson, Board Representative
Robert D. Kenney, Board Representative
Thomas S. Montgomery, Board Representative
Arthur D. Nettles, Board Representative
Richard L. Newfield, Board Representative
Irving Rasnick, Board Representative
Lawrence M. Stump, Board Representative
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Harold Richard, Director's Representative
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H. M. Baker, Assistant to the Administrative Officer

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Walter T. Hubbard, Member
George Johnson, Member
J. Franklyn Johnson, Member
Helen B. Ratcliff, Member
Jack Berry, former Member
Ross Peterson, former Member
Walter Gearhart, Administrative Officer

New Jersey State Parole Board

Christopher Dietz, Chairman
Verner V. Henry, Associate Member
Mario R. Rodriguez, Associate Member
Daniel L. McKeen, Executive Director
Jack Fannon, former Executive Director

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The Advisory Committee from an earlier study, done with the Members of the United States Parole Commission, was continued in order to provide continuity with that project and to give further guidance in this one. The advice of this distinguished group, including Dr. Herbert Solomon of Stanford University, Chairman; Dr. C. Ray Jeffery of Florida State University; Dr. Malcolm W. Klein of the University of Southern California; Dr. Charles L. Newman of Pennsylvania State University; Dr. Stanton Wheeler of the Yale University School of Law; and Susan Singer, formerly with the United States Parole Commission, has been greatly appreciated. An analysis by the Chairman which goes beyond ordinary functions of such a body and addresses an analytical problem important for the general problem of parole prediction is incorporated in the report as Appendix A.

Dr. Peter B. Hoffman, Research Director for the United States Parole Commission; Dr. Nathaniel J. Pallone, Dean of University College, Rutgers University; and Dr. Richard F. Sparks, Professor, School of Criminal Justice, Rutgers University, consultants to the project staff, assisted in planning, met with paroling authorities, reviewed drafts, and offered many helpful suggestions which contributed greatly to the investigation.

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## EXECUTIVE SUMMARY

Guidelines for parole decision-making can be developed and implemented by state paroling authorities. The main purpose of this study was to demonstrate the feasibility of that concept, which it did.

Guidelines, as tools of the paroling authorities, provide methods for policy control of case decisions. They also give the boards a basis for procedures to aid in a systematic, reasoned program of policy change.

An action research strategy was used in collaboration with seven state parole boards. This approach differed from others:

*vs.*

| Action-research strategy emphasized: | Alternative strategies might have emphasized: |
|---|---|
| Describing present practice | Changing present practice |
| Collaboration with decision-makers | Study of decision-makers |
| Controlling discretion | Eliminating discretion |
| Fairness and equity issues | Effectiveness issues |
| Discretionary decision rules | Mechanical decision rules |
| Evolutionary systems of control | Fixed systems of control |
| Invention of models | Application of statistical models |
| Feedback systems | Absence of feedback |
| Open systems | Closed systems |
| Model testing | Hypothesis testing |
| Self-regulating systems | External regulation |
| Co-mingling research and action data | Separating research and action data |

The guideline concept as developed in earlier collaborative study with the United States Parole Commission provided a background and stimulus to this project. Those guidelines consist of a two-dimensional table relating the seriousness of the offense and the probability of recidivism to an expected time to be served before parole. A range is provided for each combination of seriousness and risk within which hearing examiners must usually set the length of incarceration. Departures from these limits are permitted, if written reasons are given. Such departures are reviewed, by panels or by the full Commission, for both individual cases and for policy implications.

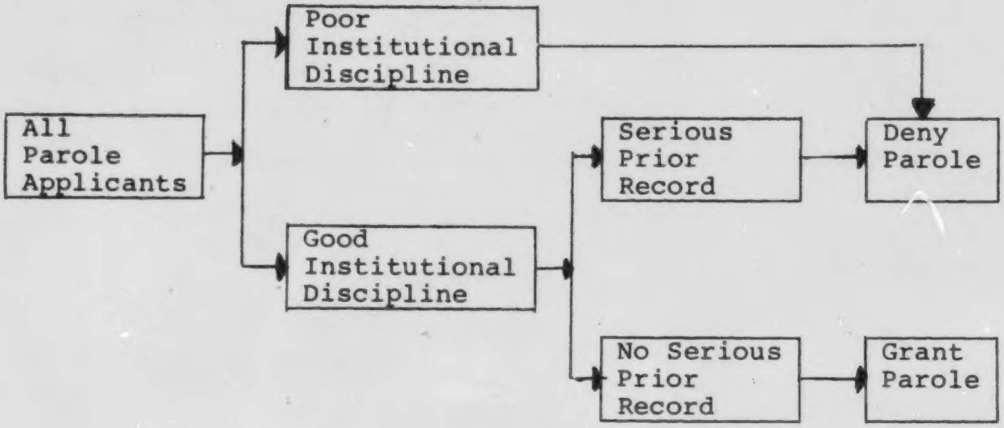
The concept "guidelines" implies a prescription; but the research underlying the invention of guidelines is descriptive. Such research does not tell what the decision criteria *ought* to be. The development of a guideline system does, however, require the explicit description of paroling policy which then is more open, specific, and available for review, criticism, and considered revision. While providing a basis and a mechanism for policy improvement, current policy may be administered with greater equity.

Specific methods used varied among the collaborating jurisdictions, but in each an attempt was made to discover the main concerns of board members in reaching decisions. This included the collection of various ratings, by decision-makers, of the offense and the offender. These data, along with observations of practice and information from discussions with the boards, led to the invention of tentative guideline models in concert with the boards. It was assumed that such models must be tested by independent application to additional samples to determine how well they fit with present practice. It was assumed also that the initial guidelines would serve mainly to start the evolutionary process of development, examination, modification, implementation, redesign, and further assessment that can provide a continuing policy control system.

The project benefitted not only from close collaboration with boards in the seven "active participant" states but also from an outstanding advisory committee and from advice by paroling authorities in "observer" states. Through collaboration with the National Parole Institutes, representatives of 50 of the Nation's paroling authorities participated in the project by discussions of the guidelines concept.

Two general types of guideline models were developed, called "sequential" and "matrix" models. These are not logically mutually exclusive in all respects; but in some ways they are fundamentally different.

In the sequential models, a series of decision rules is defined *as if* the decision process followed a sorting procedure according to significant aspects of the offender's situation, as in this simplified example:


All Parole Applicants
Poor Institutional Discipline
Good Institutional Discipline
Serious Prior Record
No Serious Prior Record
Deny Parole
Grant Parole

In this example, persons with good institutional discipline and no serious prior record would be expected to be paroled; others would be denied.

Matrix models are based on identification of two or more general dimensions of concern, such as (in the U.S. Parole Commission example) seriousness of the offense and risk of recidivism. A grid identifies, for any combination of classifications on these dimensions, a range of expected decisions, as in this simplified example:

Risk of New Offenses

| Seriousness of Offense | Low | | | High |
|---|---|---|---|---|
| Least | 0-6 months | | | |
| | | | | |
| | | | | |
| Most | | | | 48-60 months |

Expected Months to be Served in Prison

In this example, offenders classified as committed for the least serious offenses who are also classified as low risks could be expected to serve six months or less; those classed as most serious and high risks would be expected to serve between 48 and 60 months.

Some models developed could be regarded as a combination of these two types.

In any case, models were sought which would fit the actual decisions in current practice in about 80 percent of cases. It was thought that a poorer fit would not adequately describe the policy, while a closer fit might lead to rigidity, militating against policy change. Thus, about 20 percent of cases would be expected to be decided "outside" the guidelines with reasons given. These reasons provide useful information for guidelines revision while providing for flexibility to use information not encompassed by the models.

Sequential models were developed with the paroling authorities of North Carolina, Virginia, Louisiana, and Missouri. The process of guideline development used a repeated testing of preliminary guideline models, discussion with the boards, revision and retesting. The guidelines were implemented in these four states, and procedures for repeated review and further evolution of the policy models were initiated.

Matrix models were developed with the paroling authorities of the California Youth Authority, Washington, and New Jersey. The process of guideline development followed a similar process but has not been completed. Preliminary guidelines have been devised, but the process of testing, revision, and implementation is in different stages in these states.

An outline of the steps followed for guideline development as suggested by experience in this study is included in the report. Since this experience is limited, and because boards differ in respect to legal constraints and mandates, resources, and needs, no single prescription can be given. An action research model is proposed for development of guidelines, however; a cycle of activities is defined, with alternatives discussed concerning each step for development of an ongoing system of policy control. A basic feature of such a system is an adequate data base to undergird it, and a prototype parole data system is outlined. This shows how a single data system can meet the needs of the board for participation in national correctional statistics programs, management and paroling policy development.

The general nature of guidelines models and of different types of models raises moral issues, as well as scientific ones. Some of these are identified and discussed, including some concerns with accountability.

In appended reports, an application of a promising parole prediction method is presented, the development and operation of parole decision-making guidelines by the Minnesota Corrections Board is described and sample data collection forms used in the various states are provided.

The main conclusions from the study are these:

- Parole guidelines are feasible for differing jurisdictions,
- They may be developed using a variety of methods,
- The guideline model provides a basis for policy control, and
- It gives a basis for further development of board policy.

The general guidelines model is believed to have potential applications in many areas of criminal justice discretionary decision-making.

## Chapter 1

# PAROLE GUIDELINES AND THE EVOLUTION OF PAROLING POLICY

Don M. Gottfredson and Leslie T. Wilkins

## Background

The general purpose of this study was to develop and implement, in close collaboration with paroling authorities in various states, improved procedures for parole decisions. The policy models envisioned are self-regulating systems for the exercise and control of discretion in the paroling of confined offenders. The word "policy" is used to refer to a way of managing or a course of action in use, rather than to a rationale for such action.

It seems clear that such collaborative research, related to social action and administrative processes, cannot be "value free." Thus, in our action-research into the paroling of incarcerated offenders, the ethical concerns of both the research workers and the paroling authorities will obtrude at many points. Even the idea of "guidelines," which is a central feature of our paroling policy model, implies that already some choices have been made. Indeed, some who have considered the issue of paroling from prison have taken the view that paroling authority discretion in those decisions is undesirable and should be eliminated. Others have taken the opposite view. Some doubt that discretion can be eliminated either by edict or by procedural rules. Others may see the development of guidelines as a mere codification of the status quo, with an inherent danger of rigidifying present procedures and impeding their improvement; this, however, is not our intent. There are, indeed, many perspectives, preferences and ethical concerns involved in decisions as to whether or not to release convicted offenders from prison by parole. There is, however, little disagreement on the critical nature of these decisions; they very markedly affect the lives of individual offenders and they are intended to serve the larger society by imposing fair and effective means to assist in the control of delinquency and crime.

If such decisions are to be made rationally--a probable requirement if they are to "effectively" control or reduce crime--then some knowledge of the likely consequences of alternative choices is an obvious requisite. Such knowledge, however, is rarely available. Rational decision-making concerning offenders implies (a) a set of agreed-upon objectives for the decisions, (b) information concerning the person who is the focus of attention, (c) alternatives, and (d) knowledge of the probable outcomes, for that person, given selection among the alternative disposition choices. The objectives of parole decisions are rarely agreed upon except in the most general terms. There usually are much "*data*" about the person but little "*information*" (if that term is defined as that which reduces uncertainty in the decision). Usually, there are alternative placements available, but there is an absence of evidence for the effectiveness of any, since data concerning probable outcomes ordinarily is lacking.

Although the terms, "effectiveness" and "fairness" are commonly used, there is little agreement as to their specific meanings. As used here, the concept of "effectiveness" refers to the degree of attainment towards specific, measurable objectives; and the word "fairness" refers to the degree of similarity of imposed sanctions upon persons in similar relevant classifications.

## Equity and Fairness

The focus of the studies reported here is mainly on the concept of fairness and only to a limited degree on the concept of effectiveness. Within the concept of fairness, we focus particularly upon a more limited concept of equity.

Whatever meanings are assigned to the concept of "justice," it appears that there may be general agreement with the concept of equity as an included but not synonymous concept. Thus, while justice must include equity, equity does not include or ensure justice. But how is equity to be determined? If it means that similar offenders, in similar circumstances, are given similar sentences, then it is clear that equity is a statistical concept and its investigation must rely upon the concept of classification. As decisions become less variable with respect to a given classification of offenders (assuming the agreed-upon relevance of the classification procedures), they may be said to be more equitable. Equity, of course. is not the only goal of paroling decisions, and paroling authorities at present typically lack information about offenders which demonstrably is related to goals of changing the offender, deterring him or others, or community protection. Such information can be provided only by follow-up studies to determine the consequences on the decision outcomes, based upon information systems providing careful record keeping concerning the offenders' characteristics, the paroling decisions, and the results in terms of the goals of the criminal justice system. While it is believed that the present studies may provide useful beginning points for such studies of effectiveness, it must be made clear that the purpose of this project was to elicit and specify current paroling policies, rather than to test them. This is a *descriptive* purpose, not a *prescriptive* one. Similarly, the project purpose did not include attempts to change the policies observed, although it did include the development of mechanisms for increased control of the policies.

## Assumptions

The suggestion that a paroling authority develop guidelines for use in their decision-making processes is in conflict with the belief that paroling authorities require only the individual wisdom of the board member whose determination would be in no way restricted; that is, it is inconsistent with the idea of complete, unbridled discretion for each board member in that person's paroling decision. Similarly, the concept of guidelines conflicts with the belief that paroling authorities should exercise no discretion in the timing of or mode of release from prison. Thus, two quite different viewpoints are rejected simultaneously as a beginning of this project: namely, the belief on one hand that release from prison should be fixed by statute, leaving no room to maneuver on the part of the paroling authority, and on the other hand, the belief that the time to be served should be wholly indeterminate, leaving it to individual parole board members or other experts to decide at what time the offender might be released. The former viewpoint would generally be associated with those who argue for mandatory sentencing with sentences fixed by the legislature, while the latter view would be the extreme limit of a treatment philosophy associated with the concept of indeterminate sentencing.

Placement decisions about offenders are made at every step in the criminal justice process, and there is much current discussion and debate as to the proper and appropriate locus and extent of discretion. Whatever the beliefs which might be held regarding the feasibility and appropriateness of the removal or reduction of discretion in the disposition of offenders along the decision tree of these placement decisions, the foundation of the methods adopted in this study is in the concept that discretion should be structured and visible rather than eliminated or controlled externally to the system. The unbridled exercise of individual discretion on the one hand and the complete statutory elimination of discretion on the other, are both inconsistent with the assumptions underlying this project.

It seems that there are few today who would disagree with the initial assumption that complete, free-ranging individual discretion in determining prison release has some undesirable effects. The fundamental assumption throughout this study, however, has been that parole decision-making problems are matters which the paroling authority machinery itself should resolve.

## Individual vs. Policy Decisions

It is assumed also for the purpose of this study that paroling authorities make decisions on two levels. They make individual case-by-case decisions, and in addition they make policy decisions which provide a general context in which individual decisions are made. This assumption is not always readily agreed by paroling authorities. Members of parole boards are sometimes apt to assert there is no general policy guiding their decisions; rather, they may see the concept of a general policy as in conflict with their own aim of individualized decision-making, seeking, as they see it, to ensure that each decision is made on the merits of that individual case. On the other hand, the research staff was inclined to believe (and found support in an earlier study to be described below) that an analysis of a substantial number of decisions would reveal an implicit policy which, if made explicit, could provide an increased degree of control.

Neither the language of statutes nor policy statements can differentiate acts to such an extent that the infinite variety of offender behaviors is described adequately. No matter how clear the language of the law, some interpretive and discretionary functions have to be performed by someone. At some point the idiosyncratic nature of the act, if not the individuality of the offender, must be considered.

Predetermined penalties which are set for categories of behavior attempt to put together two quite different functions. There are, as already noted, both case-by-case decisions and policy decisions which are involved in the appropriate disposal of offenders appearing before a paroling authority. While statutes might, and indeed should, determine many of the general policy issues, it is considered that the case-by-case issues can be determined only by a system in which the information available can approximately match in complexity the variety of individual behavior. Hence, a decision system is required which has considerable information handling capacities and permits considerable variety of response.

It is assumed for this study that criminal behavior represents extensive variety and hence requires a similarly complex system for its control. A human decision-maker is required because human intelligence is a very high variety generator. In other words, we must match the variety generated by the offender by the variety which can be generated within the criminal justice system. Some discretion (variety) is, therefore, essential. The central research issue becomes, not how to eliminate variety (discretion) but how to utilize discretion for a larger purpose and within necessary ethical constraints. We shall discuss the structuring of discretion, not its elimination. We are concerned with where and how discretion may be exercised, but we think that it is neither reasonable nor feasible to consider its destruction or elimination.

The methods used in this project, and many of the assumptions underlying them, were derived from a study of parole decision-making conducted earlier in collaboration with the United States Board of Parole (now the United States Parole Commission).[1] That project included the invention, in concert with the Commission, of methods for policy control. A review of some of the issues addressed, and of the general procedures of policy control developed in that project, seem next in order.

It already has been noted that by "equity" or "fairness" we mean that similar persons are dealt with in similar ways in similar situations. Fairness thus implies the ideas of "similarity" and "comparison." Obviously, if every person or every case were unique, there would be no grounds for comparison and, hence, no way to provide for fairness. An individual may be expected to see his treatment as fair if he sees himself as similar, in all significant ways, to another person who received exactly similar treatment. But if only one other person were the basis for the comparison, it would not be unreasonable to maintain that both may have been treated unfairly. As the sample of similar persons increases, however, similar treatment among that sample becomes more likely to be regarded as fair. The idea of fairness thus becomes closely related to statistical concepts of similarity and sample size. The latter is related to the idea of a "body of knowledge" or "experience."

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[1] Gottfredson, D. M., Wilkins, L. T., Hoffman, P. B. and Singer, Susan M., The Utilization of Experience in Parole Decision-Making: Summary Report, Washington, D. C.: U. S. Government Printing Office, November, 1974 and Supplementary Reports 1-13 listed therein (p.vii).

A complaint that a parole board is "unfair" implies that similar persons convicted of similar crimes are receiving dissimilar treatment. The factors taken into consideration in the reference sample of persons and characteristics may vary in some degree from one critic to another. Some critics will look with particular care at race (unfairness related to racial characteristics is defined as "racism" because race is not seen as a reasonable or morally acceptable justification of differences in treatment); others will look with particular care at the type of offense; some will look at both types of offenses and race. The scale and scope of comparison upon which critics may rely are not likely to be wider than the scale and scope of factors the board might consider. If the board uses a parole selection model built upon common elements of comparison (fairness criteria), it can respond precisely to criticisms. If it sustains a balance with respect to such issues as, for example, *crime seriousness*, *probability of re-conviction*, *behavior in the institutional setting*, and like criteria and ignores race, it is not likely to be accused of racial bias.

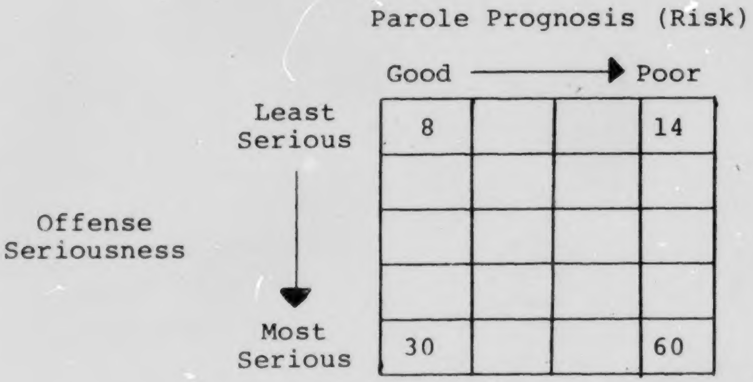
When a board has before it, in each case in which a decision is made, specific criteria indicating the balance among the most important factors that arise in any discussion of "fairness," it may, if it wishes to do so, depart from the indicated decision; but, in so doing, it will be making a value judgment in respect of factors not included in the model. If the deviant decision maker makes these further factors explicit, a sound case for it may have been established. If attention were focussed upon individual cases *in relation to questions of general principles* of parole, the understanding and control of the system would, we suggest, be greatly increased. Attention could then be more thoroughly devoted to humanitarian considerations because the routine comparative work (even though highly complex) could be delegated to "models" of "fairness" (i.e., to "guidelines").

To ascertain current policy and the method used to select factors, we must first find out what the primary ones are and what weights are given to them in practice. This requires some sort of measurement. Merely saying that certain factors are important in granting or denying parole oversimplifies the issue. Parole selection is not necessarily simply a yes or no decision; the question of *when* an inmate should be paroled may be more complex than *whether* he or she should be.

Thus, it was taken as a starting point in the United States Parole Commission project to determine the weights being given to offense and offender characteristics. Examining how these weights were applied in practice, it was assumed, could lead to the development of a measure of unwritten or implicit policy, and thus put the parole board in a good position to formulate explicit policy. In the case of the United States Board, it appeared that parole selection was in actuality more of a deferred sentencing decision -- a decision on when to release.

We sought to identify the weights given to various criteria in the parole decision by study of criteria used in making parole decisions. The board members completed a set of subjective rating scales for a sample of their decisions over a six-month period. Analysis showed that their primary concerns were seriousness of offense, parole prognosis, and institutional behavior and that this board's decisions could be predicted fairly accurately by knowledge of its ratings on these three factors.

From this knowledge, the development of an explicit indicant of parole selection policy was possible. For initial decisions a chart was constructed with one axis reflecting offense seriousness and the other reflecting parole prognosis (risk). The intersection of these axes gave the expected decision (in months to be served before the review hearing). This table, or two-dimensional grid, was developed as an aid in case decision-making. The nature of the table, with hypothetical data, is shown in Figure 1.1.



| Offense Seriousness | Good |  |  | Poor |
|---|---|---|---|---|
| Least Serious | 8 |  |  | 14 |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
| Most Serious | 30 |  |  | 60 |

Figure 1.1

Two-dimensional Grid Illustrating the Relation of Seriousness and Risk Classifications to Time to be Served

After scoring the case on seriousness and prognosis, the parole board member or hearing examiner checked the table to determine the expected decision. In the illustration of Figure 1.1, a case classified as "Least Serious" and as a "Good Risk" would call for a guideline decision of eight months. The same offense, with a parole prognosis classification of "poor" would call for fourteen months. A range in months was used in the actual guidelines, as shown in Table 1.1, to allow for some variation within "seriousness" and "risk" categories. Should the decision-maker wish to make the decision outside the expected range, then he or she was required to specify the factors which made that particular case unique (unusually good or poor institutional adjustment, credit for time spent in a sentence of another jurisdiction or other such factors).

Two sets of policy guidelines were developed--one set for adult offenders, the other for youth--based on the project's coded material reflecting parole board policy during the preceding two years. The initial study provided guidelines based on subjective ratings. The project aimed to provide a table based on more objective measures. Thus, for the parole prognosis axis, an empirically derived predictive score (called a Salient Factor Score) was later substituted for the subjective ratings. These scores were combined to form the four classes indicated in Table 1.1. An example of the scoring is given in Figure 1.2. The relation of the Salient Factor Scores to parole outcomes is shown in Table 1.2.[2]

For the seriousness of offense scales, a different procedure was necessary. The median time served was calculated for each offense in each category of offense ratings coded by the project's staff. Offense ratings with similar median times served were combined to produce six seriousness level classifications.

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[2] Various prediction measures were developed in the course of the study and used by the board in the guidelines. In one initial study, resulting in the Salient Factor Score device described here, two samples were used: a study sample (N = 902) and a validation sample (N = 1,581) of releases (by parole, mandatory release, or discharge) from the same year. In a further validation study, a 1972 release cohort sample (N = 1,011) was used. All cases were followed for two years after release through the cooperation of the Federal Bureau of Investigation. Various criteria of "success" or "failure" were used and results compared. For purposes of this discussion, one

## Table 1.1
## Average Total Time (Including Jail Time) Served Before Release
## U.S. Board of Parole, Pilot Regionalization Project, Guidelines for Decision-Making, Adult Cases

| Offense Categories* | Salient Factor Score (Probability of Favorable Parole Outcome) | | | |
|---|---|---|---|---|
| | 9-11 (Very High) | 6-8 (High) | 4-5 (Fair) | 0-3 (Low) |
| A. Low Severity[a] | 6-10 months | 8-12 months | 10-14 months | 12-16 months |
| B. Low/Moderate Severity[b] | 8-12 " | 12-16 " | 16-20 " | 20-25 " |
| C. Moderate Severity[c] | 12-16 " | 16-20 " | 20-24 " | 24-30 " |
| D. High Severity[d] | 16-20 " | 26-26 " | 26-32 " | 32-38 " |
| E. Very High Severity[e] | 26-36 " | 36-45 " | 45-55 " | 55-65 " |
| F. Highest Severity[f] | Information not available because of limited number of cases | | | |

*NOTES: (1) If an offense can be classified in more than one category, the most serious applicable category is to be used. If an offense involved two or more separate offenses, the severity level may be increased. (2) If an offense is not listed above, the proper category may be obtained by comparing the offense with similar offenses listed. (3) If a continuance is to be recommended, subtract one month to allow for provision of release program.

a. Minor theft; walkaway (escape without use of force); immigration law; alcohol law

b. Possess marijuana; possess heavy narcotics, less than $50; theft, unplanned; forgery or counterfeiting, less than $50; burglary, daytime.

c. Vehicle theft; forgery or counterfeiting, more than $500; sale of marijuana; planned theft; possess heavy narcotics, more than $50; escape; Mann Act, no force; Selective Service.

d. Sell heavy narcotics; burglary, weapon or nighttime; violence, "spur of the moment"; sexual act, force.

e. Armed robbery; criminal act, weapon; sexual act, force and injury; assault, serious bodily harm; Mann Act, force.

f. Willful homicide; kidnapping; armed robbery, weapon fired or serious injury.

## Salient Factor Score

____ A. Commitment offense did not involve auto theft.

____ B. Subject had one or more codefendants (whether brought to trial with subject or not).

____ C. Subject has no prior (adult or juvenile) incarcerations.

____ D. Subject has no other prior sentences (adult or juvenile) --i.e., probation, fine, suspended sentence.

____ E. Subject has not served more than 18 consecutive months during any prior incarceration (adult or juvenile).

____ F. Subject has completed the 12th grade or received G.E.D.

____ G. Subject has never had probation or parole revoked (or been committed for a new offense while on probation or parole).

____ H. Subject was 18 years old or older at first conviction (adult or juvenile).

____ I. Subject was 18 years old or older at first commitment (adult or juvenile).

____ J. Subject was employed, or a full-time student, for a total of at least six months during the last two years in the community.

____ K. Subject plans to reside with his wife and/or children after release.

____ Total number of correct statements = favorable factors = Score

*Figure 1.2: Salient Factor Score*

## Table 1.2

## Percent Favorable Outcome by Score - Comparison of the 1972 and 1970 Samples

### 1970 Study Sample

| Score | 11 | 10 | 9 | 8 | 7 | 6 | 5 | 4 | 3 | 2 | 1 | 0 | All Scores | Point Biserial Correlation |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Percent Favorable Outcome | 100% | 91 | 93 | 79 | 83 | 72 | 62 | 60 | 58 | 40 | 44 | - | 67% | .32 |
| Number | 19 | 43 | 53 | 82 | 77 | 107 | 122 | 146 | 134 | 85 | 34 | 0 | 902 | |

### 1970 Validation Sample

| Score | 11 | 10 | 9 | 8 | 7 | 6 | 5 | 4 | 3 | 2 | 1 | 0 | All Scores | Point Biserial Correlation |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Percent Favorable Outcome | 100% | 95 | 84 | 84 | 78 | 76 | 71 | 66 | 61 | 50 | 53 | 25 | 71% | .28 |
| Number | 41 | 94 | 92 | 131 | 159 | 169 | 225 | 246 | 200 | 158 | 62 | 4 | 1581 | |

### 1972 Validation Sample

| Score | 11 | 10 | 9 | 8 | 7 | 6 | 5 | 4 | 3 | 2 | 1 | 0 | All Scores | Point Biserial Correlation |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Percent Favorable Outcome | 100% | 92 | 96 | 88 | 87 | 77 | 72 | 67 | 61 | 61 | 39 | 20 | 74% | .32 |
| Number | 24 | 49 | 77 | 101 | 83 | 105 | 149 | 148 | 139 | 90 | 41 | 5 | 1011 | |

The median time served for each seriousness/risk level then was tabulated, separately for youth and adult cases, for a large sample of final decisions. "Smoothing," based on agreement by two project staff members after visual inspection, increased the consistency of these medians, although no attempt was made to force uniform or linear increments. In the guideline table, each median was then bracketed (plus or minus x months) to provide a "discretion range" for each combination of seriousness and risk. The size of the appropriate range was determined after informal discussions with several board members and hearing examiners and, while arbitrary, was to some extent proportional to the size of the median.

After completion by the United States Parole Commission of a pilot project to test the feasibility of regionalization of their operation, and to test also the use of the decision guidelines developed, the procedures were implemented throughout the jurisdiction of the Commission.

For all initial hearings, hearing examiners were instructed to complete an evaluation form that included a seriousness of offense rating scale and a Salient Factor Score. Should they make a recommendation outside the guideline table, they were instructed to specify the case factors which compelled them to do so.

Statistical tabulations for the first four months of guideline usage (October, 1972 through January, 1973) showed the percentages of panel recommendations within and outside the guidelines. Of all initial decision recommendations at that time, 63 percent were within the decision guidelines. Decisions are now taken outside the guidelines in about 20 percent of cases.

Since it was considered that usage of the guidelines

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criterion definition was selected to illustrate results: the person was classified in the favorable category if, within two years, there was (a) no new conviction resulting in a sentence of 60 days or more, (b) no return to prison for a technical (rules) violation, and (c) no outstanding warrant for absconding. This discussion is modified from Hoffman, P. B. and Beck, J. L., "Parole Decision-Making: A Salient Factor Score," Washington, D. C., April, 1974, unpublished manuscript, and Hoffman, P. B. and Beck, J. L., "Research Note: A Salient Factor Score Validation -- A 1972 Release Cohort," Washington, D. C.: United States Board of Parole Research Unit, Report Eight, July, 1975.

could induce rigidity, just as the absence of guidelines could produce disparity, the Commission adopted two basic procedures for modifying and updating them.

First, the Commission may modify any seriousness category at any time. Second, at six month intervals the board is given feedback from the decision-making of the previous six months and examines each category to see whether the median time to be served has changed significantly.

At these policy meetings feedback is provided the board concerning the percentage of decisions falling outside each guideline category and the reasons given for these decisions. This serves two purposes; the reasons for the deviations from the guidelines may be examined to certify their appropriateness, and the percentages of decisions within and outside the guidelines (and their distribution) for each category can be evaluated to determine whether the width for the cagegory is appropriate. Too high a percentage of decisions outside the guideline range without adequate explanation may indicate either that a wider range is necessary or that the hearing panels are inappropriately exceeding their discretionary limits. On the other hand, a very high percentage of decisions *within* the guidelines may indicate excessive rigidity. The guidelines themselves cannot provide answers to these questions of policy control. By articulating the weights given to the major criteria under consideration, explicit decision guidelines permit assessment of the rationality and appropriateness of parole board policy. In individual cases they structure and control discretion, thus strengthening equity, without inhibiting the exercise of that degree of discretion thought necessary.

## The Action Research Approach

It is hoped that the above summary discussion of the forerunner of the present project -- a development of policy procedures with the United States Parole Commission -- will give a further indication of the general strategy adopted for this study. If it is not proposed to eliminate discretion, then it is very important to be clear as to the kind of model or operating system we seek to develop. It is not considered that action research can or should attempt to find lasting answers to problems. No matter how excellent any solution, as changes occur in the environment in which it is embedded, it will become out-of-date. All solutions must be temporary ones. No model or method should be considered which does not have built into it the "seeds of its own destruction" or at least procedures for its own modification. Any system must adapt or perish, and this applies whether we are considering organisms or organizations. Thus, it is assumed that this project should seek to invent an evolutionary process. It is not thought to be sufficient to develop a mechanism, procedure, or simple answer. The kinds of solutions we seek to invent are in the form of "cybernetic systems." In collaborating with various state paroling authorities, we have sought continuously to keep this single purpose in our sights.

In issues concerning the disposition of offenders, changes in underlying philosophy normally would be expected to result in a change in the purposes of the criminal justice system. Changes in perceptions of the functions of the criminal law now seem to be making their impact upon thinking in this field. There are conflicting views of the purposes of paroling authority activity. There is a tendency to move away from a rehabilitation and a treatment philosophy more toward a philosophy which frankly acknowledges the concept of punishment and speaks more often of "just desert" and issues of equity. The point to be made here is that an appropriately flexible and sufficiently complex system would not find it difficult to adjust (like a self-homing missile to its target) to the change of philosophy and its consequences.

Pursuing further the analogy of the self-homing missile and its target, we may note that if we were to examine two missiles, one of which was "self-homing" and the other designed for discharge from a preprogrammed gun and mounting, we would be able to detect some fundamental differences in the designs. The "self-homing" missile would have an information detection and processing system actually on board. There would also be systems whereby the information received would be coupled to a decoding device and eventually it would influence the control surfaces of the projectile. The research worker might design "systems" in the course of his research, but such systems must be such that they can become tools of management. Further, the management tools themselves ought to be under review continuously and the results of such review in relation to any changes in the perception of change of direction of the purpose ("target") must determine modifications in the original design of the tool. A system may be designed, but there must also be designed a system to continuously re-design the design.

If we seek to develop an evolutionary process of management control, then there must be some means whereby whatever system we invent has built into it an informational feedback loop to aid in modification of the system. Moreover, the system must be coupled into the larger environment because it is that larger environment which will determine how the smaller system should change it operations in order to stay focussed upon the "target"; that is, the operations must be seen as a kind of "open system" possessing an ability to adapt rapidly.

## Action Research Collaboration

It was hoped that this study, like its forerunner in the United States Parole Commission system, will provide examples of collaborative research and action with active participation not only by the research staff but by the practitioner decision-makers concerned. If the nature of any product produced is a function of the mechanism for its production, then this stance must be understood as a basis for the understanding of the models developed. It was assumed that the action research worker is not particularly concerned with his own satisfaction in discovery; that is, the work done will mean little if it is not put into effect by others. (Many excellent research studies have been written up and presented only to collect dust upon the higher shelves.) It was assumed for this study that if the research was to be implemented then this implementation would have to begin immediately with the initiation of the research. If the stages between research activity and the implementation of the findings are to be taken together, then distinctions between the research workers and paroling authorities or administrators must become rather unclear.

While the research staff had requested funding to examine whether the general concepts concerning development of paroling policy provided by the earlier study could be applicable to paroling authorities in state jurisdictions, and thus had fairly clearly in mind that the project would lead to the development of "guidelines" in some form, there was not an excessive zeal for any particular nature of the guidelines to be developed. It was assumed that the *general concept* of paroling policy as a self-correcting system could be usefully adapted to state jurisdictions, but it was not assumed that the particular form of policy developed by the United States Parole Commission could simply be exported to other jurisdictions. Thus, it was considered that perhaps, after a period of collaborative study with paroling authorities, different approaches might commend themselves. The basic philosophy of the research team was that we would carry out research *with* the paroling authorities who might be interested, but that we would not carry out research *for*, *to*, or *upon* them. Indeed, we would not conduct research into *paroling authorities* or their persons but into the problems of the articulation of general paroling policies.

The research staff wished to be clear with paroling authorities collaborating in the study that there was no intention to impose any particular paroling policy or philosophy upon them. We expected, but did not find (possibly because of the general attitudes just expressed), that potential collaborating paroling authorities might be initially concerned that the research would merely treat them as "subjects," revealing differences of opinion or disparities in decision-making, subsequently publishing the results and deploring the state of the art. The problem of general policy for parole can be dealt with as a problem related to structures, information flow, organiation and procedures, without the decision-makers themselves being regarded as the problem. Thus, this project does not address any question of changing the persons or personalities of those presently responsible for paroling decisions.

## Levels of Consideration and Control

A general model relating various levels of difficulty of decisions to differing decision procedures was developed in the course of the earlier project; and, since this model seems to have guided the research and paroling authority collaborators in development of procedures described here, it should be more explicitly defined at the outset. Thus, the procedures of the United States Parole Commission may be considered in relation to three levels of increasingly difficult decision problems. Procedures are varied to match these three levels of difficulty.

In what seemed to be "normal" or usual cases (perhaps as many as 85 or 90 percent of the cases to be decided) the initial decision may be determined by hearing representatives in the field. These are case decisions in which the tolerance provided in the guidelines is regarded as adequate for individualization of the decision. Thus, other cases may, by definition, be considered more difficult.

A second level of more difficult cases is this remainder of those about whom decisions must be made, that is, cases which do not, in the opinion of the hearing representative, fit the guidelines. In such cases the hearing representative who recommends its departure from the guideline decisions must provide reasons for this decision. A panel of three decision-makers must also agree on the determination.

A third level of difficulty of consideration and control related to policy matters concerns very unusual (i.e., "sensitive") cases. These are determined or decided by the whole board. Policy is examined regularly in terms of the departures from the guidelines and in the light of the reasons given.

The most difficult and complex issue is that of management control. This is exercised by the full board. A check of frequency of departures from the guidelines by each area representative is provided by means of feedback to the board and to the hearing representative. Thus, management control may be exercised by revision of the guidelines which provide an explicit statement of the board's policies.

It may be assumed that there always will be "more difficult cases" or, as the circumstance might alternatively be expressed, the variety of human behavior cannot always be fitted very closely by simple models. Accordingly, it is reasonable to expect that the model will not fit some proportion of cases; and by the same token it is undesirable for those who use guidelines to assume that all cases should fit. Rather, there should be an expectation or probability that any particular case will not fit the guidelines; and, if such a case is forced to do so, then injustice may be done. The proportion of cases which the user must expect not to fit cannot be so small that he may cease to consider that probability in each case; the decision-maker should be always on the alert for the case that does not fit. To maintain this alertness it is known that the event to be identified must not be too rare. One safeguard against "rigidity" is in the need for the user always to try to identify those cases which are not expected to fit.

This means that guidelines might be useful even though simple. Indeed, excessive specification in the guidelines might better be avoided. Departures from the guidelines, even though expected in a proportion of cases, must be accompanied by written reasons. Reasons are not given in all cases, as it is held that the fact that the case fits the guidelines provides a sufficient reason. As noted earlier, in addition to the specification of reasons, the individual user who departs from the guidelines obtains for each departure case the endorsement of two colleagues. It may be that these procedures create a pressure to conform. Perhaps so, but another pressure may provide some counterbalance: the individual user who does not depart at approximately the expected rate may be challenged by colleagues or the board. Perhaps the decision-maker has not been sufficiently observant.

The departures from guidelines should be associated with the "difficult cases" or cases where the policy reflected in the guidelines may need modification. Information about the departures provides a process whereby the guidelines may be amended. Since departures are expected as a continuous process, the continual review of the departures is, at the same time, a continous review of the guidelines themselves. Thus, we may have the "self-homing" system sought, or a mutual learning process of continuous possible change as such change becomes necessary to keep the target in the sights, even in a changing environment.

The greater degree of consideration required for the cases initially considered not to fit the guidelines provides a system in which the weight of the machinery employed is more proportional to the difficulty of the case. If reasons were to be given for all cases, the process of reason-giving could be made trivial. If group decisions were required in all cases, not only would the process be very costly, but it might deteriorate through a routine consideration. By definition, the cases which do not fit the guidelines are not usual cases, and routine processing is, by the same token, inadequate.

The transition from case-by-case decisions to policy decisions and the methods for dealing with these different aspects of parole decision-making thus reflect the increasing complexity noted. The level of consideration and cost increase with the difficulty of the task, on the theory that a sledge hammer is not needed to crack a nut!

The concept of continuous review is central to the continuous evolutionary process which is desired. Information relating to possible changes in policy, including statistical or other summaries of departures from guidelines, are discussed at scheduled, periodic meetings. Regular meetings specific for this purpose should ensure that the review does not become a mere formality.

It is this general model which was in the back (or perhaps even the front!) of the minds of the research team in the course of developing the further planning for the present project discussed in the next Chapter.

## Diversity of Models

The general strategy of research led to the development of as many paroling policy models as there were jurisdictions with which we collaborated. This diversity perhaps reflects in part the widely differing legal structures under which paroling authorities in the various states operate. It may also reflect the differing aims and underlying philosophy of parole boards in various geographical locations. It may perhaps reflect to some degree the styles of the various members of the research team in working with different state paroling authorities.

From the standpoint of the research team, we wish to emphasize that the research which undergirds the guidelines and the guidelines themselves are essentially descriptive, not prescriptive. Although they summarize expected paroling decisions in a given jurisdiction on the basis of recent practice, and indicate the relative weights given to what apparently are the most important factors considered, they tell neither what the decisions nor the criteria ought to be.

This is a consequence of two distinct but complex sets of issues. First, judgments concerning deserved punishment, the proper aims of parole decision-making, and the fairness of including various criteria, often involve moral or ethical issues. The research may shed light on the present handling of these; but whether future changes should be made is a question which must depend on moral judgments. Second, judgments of criteria to be used in parole decision-making may be based not only on moral but also on scientific grounds. Thus, whether a given guideline element should be included may depend in part on evidence whether that factor is or is not related to any particular objective of those parole decisions, e.g., the reduction of recidivism. This is at once an important limitation and, we believe, a major strength.

The strength is given by the circumstance that the development of a guidelines system requires the explicit description of paroling policy. Hence, it is open, specific, and available for public review and criticism. Indeed, a central feature of the system is its provision for repeated review and revision. This allows for and indeed invites challenge, subjecting the parole decision-making criteria now in use to rigorous scrutiny with respect to both the moral and effectiveness issues raised. Hence, with guidelines the moral issues may be debated more readily and clearly and the effectiveness issues may be tested.

## Challenges to Parole Boards

The adoption of guidelines by the United States Parole Commission generated widespread interest among paroling authorities. As part of the project that included guideline development, a series of national meetings of parole officials was held which exposed them to the issues involved. Moreover, criticisms of parole increased in recent years and many paroling authority members became convinced that explicit guidelines may give a partial solution to problems which provide a basis for valid criticisms. In response to this concern, the Classification for Parole Decision Project was developed.

## Chapter 2

# STRATEGIES FOR GUIDELINE DEVELOPMENT

Don M. Gottfredson, Leslie T. Wilkins
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The project titled "Classification for Parole Decision Policy" was designed to test the feasibility of developing and implementing guidelines in collaboration with state paroling authorities. It was hoped that four paroling authorities, representing different types of parole systems and geographical locations, would be interested in such collaboration.

## Selection of States

An inquiry was made to the chairpersons of all paroling authorities throughout the country, explaining briefly the general nature of the project and asking whether their boards would want to collaborate. In response, 31 wanted to participate, and four expressed tentative interest.[1]

Since it was clear that resources did not permit working closely with so many states, a second letter was sent to those who had volunteered to collaborate. In this, prospective participants were informed that it would be necessary to divide interested boards into two categories: "active participants" and "observers." The "active participants" would be required, as a condition of that status, to complete a large number of data forms at the time of parole hearings and to set aside time for meetings with project staff. "Observers," on the other hand, would be kept informed of the study's progress in the active participant states.

Responses showed that, despite these requirements, fifteen paroling authorities wished to be "active participants." Since this number still represented more jurisdictions than could be accommodated by the project, the staff consulted its advisory committee regarding criteria to be used in selecting participants. The committee suggested that states be selected on the basis of diversity in legal structures, geographical location, and size.

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[1] Those wishing to collaborate were: Arizona, California (Adult Authority, Narcotics Addict Evaluation Authority, Women's Board of Terms and Paroles, and Youth Authority), Colorado, Delaware, District of Columbia, Florida, Georgia, Illinois, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Tennessee, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming.

Seven agencies, rather than four as intended originally, were invited to collaborate. This expansion of the number of jurisdictions to be actively involved perhaps reflected both staff optimism and pessimism: optimism, since the need for differing methods and for repetitive revisions of data collection instruments was not fully anticipated; pessimism since it was thought that some agencies might withdraw from the study when the amount of time required by the study was fully appreciated. These seven authorities were the California Youth Authority, the Louisiana Board of Parole, the Missouri Board of Probation and Parole, the New Jersey State Parole Board, the North Carolina Parole Commission, the Virginia Parole Board, and the Washington State Board of Prison Terms and Paroles. All others who had expressed interest were invited to be "observer" states.[2]

## Research Planning

### Data Collection Instrument

Two general strategies for data collection were available. The first method was to code the necessary data, as carefully and reliably as possible, from the case files of the offenders. These data then could be analyzed in relation to the decision outcomes, for the purpose of providing a description of the decision process. This strategy had been employed in an earlier study by one of the authors.[3] In this research, an analysis of case file data through multiple regression accounted substantially for variation in prison and parole terms set by the California Adult Authority (parole board). For example, the number of months served in prison beyond the legal minimum (i.e., after the constraint imposed by law) was found to be most closely associated with the legal offense classification, a rating of the seriousness of the offense, the number of prior prison incarcerations, and history of opiate drug use. This method requires, however, the establishment of a costly data collection system, not already available in most jurisdictions. This requirement placed this otherwise useful method beyond the resources of the project.[4]

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[2] Minnesota embarked on its own study for guideline Development; see Appendix B.

[3] Gottfredson, D. M. and Ballard, K. B., Jr. Estimating Prison and Parole Terms under an Indeterminate Sentence Law, Vacaville, California: Institute for the Study of Crime and Delinquency, 1964.

The second method, which was the one adopted in this project, follows more directly from the experience of the federal study. In this method, the subjective judgments of the decision-makers themselves were first obtained to identify the factors most relevant to decisions. These factors were then defined in terms of more objective indicants. The first method described may be regarded as "interviewing the files" while the second is more akin to "interviewing the decision-maker who interviews the files." This second method provides a "shortcut," i.e., a less costly method which might provide a similar result.

A data collection instrument was designed that tapped the board's subjective estimates of several variables relating to the offense and the offender. Information concerning the decision, the offense, time served, and the maximum sentence also was collected. The form provided space for board comments about additional factors that had influenced the decision. It was assumed that a very simply constructed checklist, which could be completed quickly, would be necessary, in view of time constraints on most parole decision-makers at the time of hearings. The forms actually used in each jurisdiction are shown in Appendix D.

The variables used were those commonly suggested in the research literature as important in the parole decision-making process. Although it seemed likely that the variables included would be interrelated, each scale might tap a somewhat different aspect of the conceptual domain. Of course, the ratings could follow from the decision as a rationalization, rather than preceding it as determinant; but, in any case, a measure of the interrelation of variables including the decisions would be obtained.

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[4] This method was, however, used successfully in a related project started at the same time. See Wilkins, L.T., Kress, J.T., Gottfredson, D.M., Calpin, J.C., and Gelman, A.M., Sentencing Guidelines: Structuring Judicial Discretion, Albany, N. Y.: Criminal Justice Research Center, October, 1976.

It was believed that judgments of parole prognosis often would be an important factor in the decision-making process. Therefore, the project commissioned the National Council on Crime and Delinquency Research Center to develop empirically-derived prediction devices, using the Uniform Parole Reports data base, for those states that had contributed the necessary data. For paroling authorities that had not contributed sufficiently to the Uniform Parole Reports, it was hoped that the National Council on Crime and Delinquency Research Center staff could provide consultation services to assist these states in testing useful prediction devices. Ratings of parole prognosis were collected in all states, with the expectation that, if this variable proved important, en empirically-derived prediction device ultimately could replace it in the guidelines. Unfortunately, the analyses of the Uniform Parole Reports data did not result in prediction measures thought to have sufficient predictive utility for inclusion in the guidelines developed.[5]

A prediction device previously developed by the California Youth Authority was incorporated into the tentative guidelines developed for them in this project. Similarly, a prediction instrument developed by the Washington State Board of Prison Terms and Paroles was used. The guidelines designed for the other five paroling authorities do not contain a prediction device, since none was available. In the absence of such an instrument, parole prognosis would remain a purely subjective estimate of risk; it was therefore not used in the analysis of the data for these five authorities. This dimension was represented in the guidelines by objective items derived from factors which boards had indicated were related to their estimate of risk.

## Sampling Issues

It was anticipated that three waves of data collection would be necessary to fulfill the objectives of the project.

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[5] The results of these studies have been submitted to the National Institute of Law Enforcement and Criminal Justice as a supplementary report.

Phase I: The purpose of the first data collection phase was to identify the parole boards' major criteria and policies through analyses of the relations between the subjective ratings and decisions. It was assumed that preliminary guidelines could be generated from these data. A large sample, of 1,000 or more cases for each paroling authority, was considered desirable for this purpose. A sample of this size, or larger, would increase the probability of obtaining a representative cross section of the inmate population considered for parole in each state. It would also minimize the probability of any sampling bias that might arise from seasonal variation. Information would be collected on every case considered by the board. A sequential sampling was considered preferable to random selection over a whole year, because the latter would impose an administrative burden on the boards and extend the length of the project. It should be recognized, however, that the samples studied may be biased in unknown ways.

The project seemed to provide a good opportunity for studying the paroling patterns of board members as individuals and as groups. If an evaluation form were completed by each board member on each case (rather than by one board member per case), the resulting evaluations and decisions could be compared to study patterns of consensus and dissensus. Since all the board members would be evaluating the same case, differences in the ratings and decisions could reasonably be attributed to differences in individual perceptions and paroling standards. If a board was interested in this type of information, each board member reviewing a case would be asked to complete a case evaluation form on every inmate appearing before the board.

Phase II: The objectives of this phase were to determine whether the preliminary guidelines accurately reflected board policy, to collect additional data that might be needed to clarify policy and refine the guidelines, and to collect data to better define and quantify the major variables. It was assumed that a smaller sample, between 200 and 500 cases, would be required for each state.

Phase III: This phase would be used to validate the operational definitions developed during Phase II and to develop administrative procedures to help the states implement the guidelines.

## Planning with the Boards

The research staff conducted on-site meetings with each of the seven participating boards to explain the general concepts underlying the project and the proposed research strategy. A film was shown which briefly described the federal guideline project. The concept of guidelines as an evolutionary system, providing a mechanism for the boards' articulation, monitoring, and revision of policy, was discussed. The objectives of the research would be to describe, rather than evaluate, the current practice and policies of the board, and to assist in the development of such a policy control system.

The study would consider the information about the offense and the offender judged by decision-makers to be relevant to decision-making; it would not focus on personality characteristics of the decision-makers themselves. The collaborative nature of the research process was emphasized: the advice and guidance from the boards was essential. The data and the findings would be considered confidential until reviewed by the board.

Agreement was reached on the procedures to be followed during the project. The data collection instrument for Phase I was discussed, modified to meet specific concerns of the individual boards, and approved (see Appendix D). It was understood that the collaborating boards would be responsible for monitoring their own data collection, to ensure that the forms were accurate and complete.

Procedures were devised to ensure the confidentiality of the data. When submitted, forms would be identified by code numbers; thus, the identification of any specific inmate could be obtained only by access to the board's records.

Reports of progress would be given periodically to the board at meetings for that purpose, by telephone, and by written reports.

Portions of the final report dealing with the jurisdiction involved would be reviewed in draft before publication. The board would have the right to publish comments with the report, if desired.

Literature, such as annual reports of the board, was collected to provide background information for project staff on the legal structure, work load, and philosophy of the board. In some instances, project staff observed a number of parole hearings.

## Data Collection

About 16,000 data forms were collected in the course of the project. The number completed per state varied according to the length of the data collection period, the number of cases considered by the board each month, and the number of members filling out forms in each case.

Four states had agreed that each board member considering a case would fill out a form on that case. After this procedure had been used for several weeks, board members in these states commented that they found the method burdensome. Since this information was not essential to guideline development, the procedure was abandoned and the paroling authorities shifted to a method of data collection in which they filled out one form per inmate, representing the consensus of the panel.

The intent of the research plan had been to include all cases considered by each board during the data collection period. In some states, the board submitted fewer cases than expected, judging by their average caseload. The completeness of the sample varied according to the state. When there was a deficiency, it was probable that the selection of the cases submitted had been unsystematic, and therefore some bias could be present in the sample. Because of the size of the samples collected, however, this was not considered likely to be a major source of error.

A greater problem (which may have affected the representativeness, and hence the generalizability of results from these samples) was that in some instances the respondents did not complete all the scales and items on the forms. Unfortunately, it was not always possible to obtain this missing information.

If the missing information was of an objective nature, that is, readily available in the case files, a "trouble sheet" was returned to the board, requesting the data. If the missing information was of a subjective nature, this procedure could not be followed. In these cases, the "trouble sheet" would, in effect, have asked the board member to recall the judgment he would have made at the time. Because of this reliance on memory, such retrospective judgments were believed to present a possible source of major error and were not requested.

Additional problems of bias in sampling were encountered. Some of these, idiosyncratic to individual jurisdictions, are described in the chapters that follow.

The research staff in some cases reduced the samples submitted by excluding forms relating to inmates serving extremely long or life sentences (a quite small proportion of the total). It was assumed that these cases presented special problems of parole consideration, often involving particularly bizarre or heinous offenses. It seemed probable that these cases were decided on the basis of criteria applying rarely, or perhaps only to the individual case.

## Analyses

The methods used for data analysis and the guideline models developed for the various paroling authorities were the product of two distinct approaches to the analysis of the Phase I data. Although the two approaches may to some extent reflect differences in the research styles of the staff members, these differences in approach are believed to be attributable primarily to marked variations in the legal structures, procedures, and philosophies of the paroling authorities.

As the following chapters will show, there are at least two main, useful ways to conceptualize the parole decision. The first views the parole decision as a deferred sentencing decision, with the parole board setting a fixed amount of time to be served.[6] In this model, it is assumed that the time to be served will primarily reflect assessments such as the seriousness of the offense, the probability of recidivism, or institutional program concerns. This model may be appropriate to a system in which the law or judges set low or no minimum sentences and the parole board is empowered with discretion to parole early in the term or from the date of admittance into the institution. In such systems, it is useful to conceptualize the parole decision as a question of *when* rather than *whether* to parole. A *matrix model*, devised to reflect the main dimensions of concern to the boards, provides a structure for the United States Parole Commission guidelines and those used in Minnesota; and this concept guided the analyses of the Washington, California, and New Jersey data.

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[6] More accurately, this is most often a "presumptive fix," since paroling authorities usually reserve the right to "refix" the parole date to an earlier or later parole if deemed warranted by changed circumstances.

A different conceptual model, a *sequential* one, was used for jurisdictions where the inmate must serve a fixed proportion of his/her maximum sentence, for example a quarter or a third.[7] In these states, the board has less discretion in determining the actual amount of time to be served. In these jurisdictions, it was useful to view the parole decision as a dichotomous "In/Out" decision. Thus, in these jurisdictions, the primary question in a parole consideration was *whether*, not *when*, to parole. This pattern is evident in Virginia, North Carolina, and Louisiana.

## Matrix Models

Since the California and Washington boards by statute are accorded considerable discretion in determining time to be served before parole release, their structures were seen as fitting the "deferred time fix" conception of the decision. Therefore, the data analyses for these states used methods similar to those employed in the federal study (Chapter 1, page 7).

Following the method used in the United States Parole Commission study, simple equations were sought (by multiple regression) which would summarize the relations of the subjective ratings to the decisions and perhaps point to proposed models.[8] Essentially, parole decisions in these states were regarded as a result of involving two main questions: "Will the inmate be paroled or deferred?" and "If the inmate is deferred, how long will the continuance be?" with the final result "How much time is to be served in the institution before parole?"[9]

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[7] New Jersey is an exception, where it is believed that a matrix model may be found useful although the structure requires that the inmate serve a fixed proportion of the sentence before parole eligibility.

[8] This use of correlation statistics violates certain assumptions underlying them, including the fact that the independent variables typically are ordinal, not interval measures. In addition, as in some analyses, scoring the dependent variable "parole granted versus denied" as a dichotomous criterion (1 or 0) yields an ordinal classi-

In using multiple regression techniques, it is necessary to have complete (or nearly complete) information on all variables for each case included in the analysis. Because of the problem of missing information previously referred to, the number of cases used in calculating the required equations was somewhat less than the total number of cases in the sample. Some other descriptive statistics were used which did not require complete information on each variable. As a result, the number of cases used in each analysis varied.

After identifying the main dimensions of concern, more objective indicants of these were sought. Next, the relation of resulting classifications to time served was assessed in order to provide tentative guidelines.

For the California Youth Authority, for example, the equations made it clear that the concerns of offense seriousness, institutional discipline, and parole prognosis were dominant, in that order. Offense seriousness classes were then defined by a rank ordering in use by the research division of that agency. Institutional discipline was given a more objective definition; and a "base expectancy" classification developed in the Youth Authority was used for the parole prognosis factor. Such definitions enabled

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fication, rather than an interval scale. (This use of multiple regression may be regarded as equivalent to the use of Fisher's discriminant function.) Even when the continuous variate, time served, is the dependent variable, not all assumptions of multiple regressions are met, but the method was thought to be useful since intercorrelations among the items are considered in the analysis, and some indication of the appropriate weighting is provided. Moreover, it seems that there is no other method which satisfies more of the necessary conditions. In addition, this method has been demonstrated as having a practical utility in similar circumstances.

[9] In agencies such as the California Youth Authority and the Washington State Board of Prison Terms and Paroles, parole is the preferred mode of release; almost all offenders leave the institution on parole (rather than by discharge from the sentence).

the construction of guideline grids. The average time served for each offense, and the standard deviation (a measure of variation from the average) provided guidance for setting the expected ranges within a tentative guideline table. These matrices, or grids, then could be assessed further to determine how well they fit a new sample of cases.

## Sequential Models

In states in which the inmate serves a fixed proportion of his maximum sentence (North Carolina, Virginia, Louisiana, and Missouri) a different analytical procedure was followed. Multiple regression equations were computed for these states, and when based on the scaled variables excluding parole prognosis, moderately high correlations were obtained with decision criterion. When parole prognosis was added to these other independent variables, correlations were increased substantially.

In order to increase the amount of explained variation, the research staff turned to an alternative strategy, case-classification analysis. This technique was well adapted to the data. The dependent variable was dichotomous (grant/deny) and heavily influenced by the discrete factors (such as "not in minimum custody"). The sample was large enough to provide an adequate number of cases to fulfill the multi-celled requirements of case-classification.

The use of case-classification techniques facilitated the identification of numerous discrete factors which influenced board decisions. These factors, discerned from an analysis of comments in the salient factors section, increased the number of independent variables which could be used to explain board decisions. This made it possible to increase the amount of explained variation considerably.

In interpreting the crosstabulations of the major variables, an attribute was considered to be a discriminator if 80 percent or more of the cases in that category were decided in one direction (parole or deny). For example, if 92 percent of inmates with poor discipline were denied parole, this was interpreted to mean that it was Board policy to deny parole to inmates with poor discipline. The 80 percent level was chosen because it provides a high level of confidence that the relationship in question could not have happened by chance.[10]

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[10] Blalock, Hubert M., Jr., Causal Inferences in

The major decision rules emerged from an analysis of the crosstabulations. The sample was then sorted according to these decision rules. These successive sorts in effect held a number of variables constant, making it possible to identify further discriminators not originally apparent.

As is apparent from Figure 2.1, the sample was successively subdivided. In the analysis of each state sample, the number of subdivisions was dependent on the number of criteria the board took into consideration. Cases contrary to decision rules were not further subdivided (see Fourth Sort on Figure 2.1). It was found that cases in the latter group were too few to analyze. The sorting continued until all cases were accounted for, or no further decision rules could be identified. This sorting process provided what might alternatively be shown as a multi-celled crosstabulation table.

The ordering process represented in the decision tree (Figure 2.1) was then condensed into a flowchart (Figure 2.2). The chart sorted out the decisions in order of increasing difficulty, beginning with single factor decisions and continuing with double and multi-factor decisions. This order provided a simple and efficient structure for ordering the complex process of parole decision making. The flowchart was then translated into guidelines.

Theoretically, several alternative formats for presenting the decision rules were available; e.g., in a mathematical equation, a matrix, or a questionnaire. The latter style was adopted, since it was compatible with the existing procedure of the boards, who were accustomed to completing checklists at parole considerations.

In every state, the guidelines were tested on new samples. An analysis of the validation samples revealed a high degree of fit between the guideline model and actual board decision practices. In considering the guidelines, it is essential to distinguish between the decision-making model as reflected in the guidelines and the actual decision-making process.

The guidelines serve as a tool to assist the board, by providing a summary of the board's major criteria and policies. The guidelines conceptualize the decision-making process as if the information search stops at a

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Non-Experimental Research, New York: W. W. Norton, Co., 1964, p. 45.

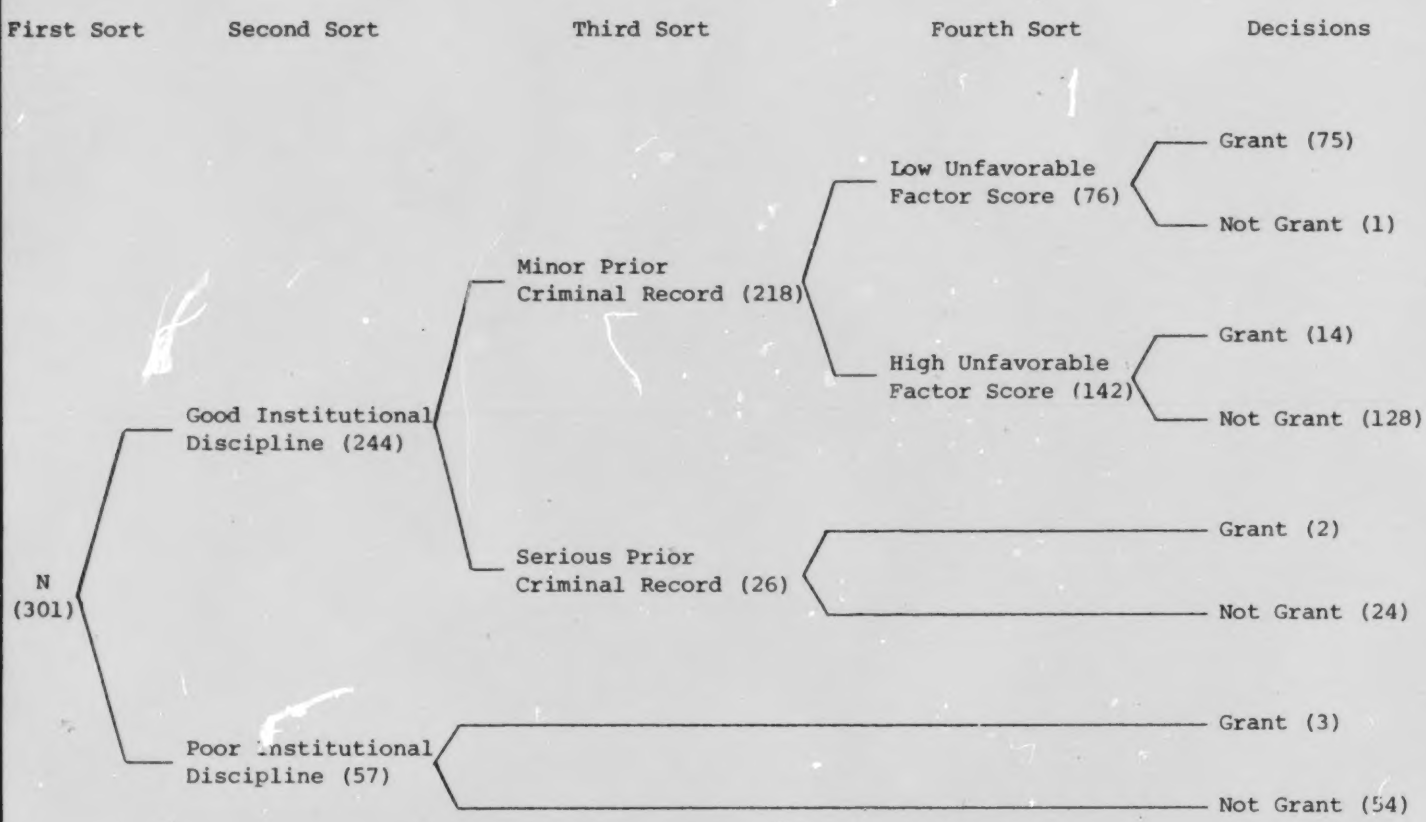
First Sort
Second Sort
Third Sort
Fourth Sort
Decisions
N (301)
Good Institutional Discipline (244)
Poor Institutional Discipline (57)
Minor Prior Criminal Record (218)
Serious Prior Criminal Record (26)
Low Unfavorable Factor Score (76)
High Unfavorable Factor Score (142)
Grant (75)
Not Grant (1)
Grant (14)
Not Grant (128)
Grant (2)
Not Grant (24)
Grant (3)
Not Grant (54)

*Figure 2.1: Sorting Pattern (Simplified) for Missouri Data, Phase III, Hearings*

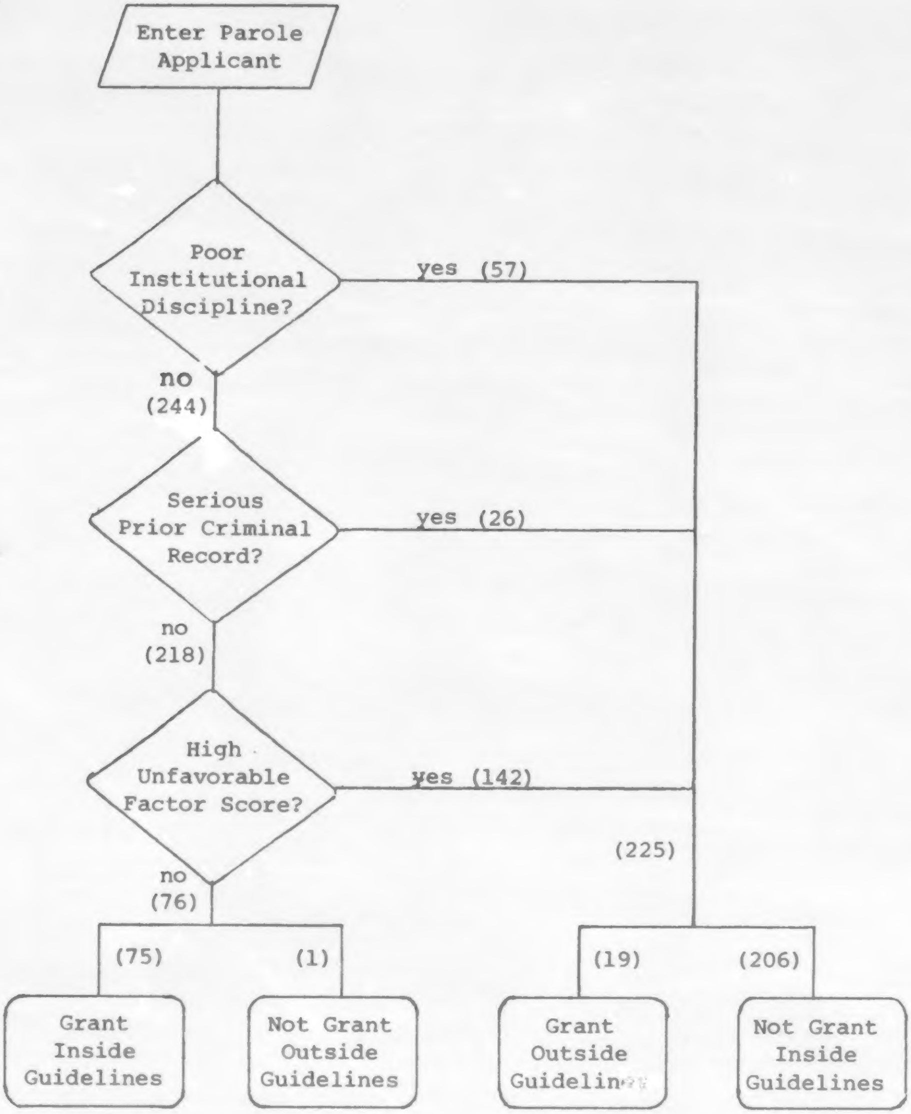
Enter Parole Applicant
Poor Institutional Discipline?
yes (57)
no (244)
Serious Prior Criminal Record?
yes (26)
no (218)
High Unfavorable Factor Score?
yes (142)
(225)
no (76)
(75)
(1)
(19)
(206)
Grant Inside Guidelines
Not Grant Outside Guidelines
Grant Outside Guidelines
Not Grant Inside Guidelines

*Figure 2.2: Flowchart showing Sequence of Decision Rules for Data in Figure 2.1*

specific point after reaching a decision rule; as if, that is, cases are decided on the basis of factors that lead to the relevant decision rule and are then "screened out" from further consideration.

In practice, this decision rule acts as a cue to continue the information search on the assumption that additional information might suggest reasons for going outside the guidelines.

Guideline policy is summarized in the form of imperative statements which appear to be prescriptive. In actual practice, however, they represent a description of board policy which the board members can use for guidance in evaluating each case on its individual merits. It is clearly understood that the ultimate discretion in each decision rests with the board.

In order to promote consistency in evaluating information pertaining to prior criminal record and institutional discipline, operational definitions were formulated and validated against new data in all states where sequential models were developed. These were devised by asking board members to rate each inmate and list the specific data supporting the rating. The process by which these ratings were analyzed is described in detail in the chapters that follow.

## Policy Development

It is assumed that the guidelines in each state will undergo periodic revision to reflect changes in Board policy. In addition, elements of subjectivity are still present in the guidelines and could be reduced by further work toward operational definitions of secondary factors. If an empirically-derived prediction device is desired to be included by a board and could be developed, the guidelines could be adjusted to accommodate it.

These were the general strategies for defining policies and developing guidelines in collaboration with the participating parole boards. The specific procedures and the findings are presented in the chapters that follow.

## Chapter 3

## NORTH CAROLINA

Colleen A. Cosgrove and Jane Wallerstein

### Commission Structure and Procedure[1]

The North Carolina Parole Commission consists of five full-time Commissioners, all of whom review cases. The Commission is assisted by twelve case analysts who maintain files on the inmates, prepare their folders for parole consideration, and make recommendations concerning the advisability of parole.

The judge fixes the maximum sentence within the statutory limits for the offense. By statute, an inmate is eligible for parole at the expiration of one-quarter of his maximum sentence. Good time operates in such a way that the maximum sentence can be reduced by one-third. If an inmate is denied parole at first eligibility, his case is reviewed at least annually thereafter.

All misdemeanants and felons with maximum sentences totalling a year or more who have been committed to the Department of Corrections are under the Commission's jurisdiction. This includes youthful offenders recommended fo parole by the Division of Youth Services. (These latter cases were, however, excluded from the present study, since parole for these inmates is almost automatic and these cases, therefore, represent a minimal exercise of discretion by the Commission.)

The Commissioners review the folders of all inmates eligible for parole and consider approximately 600 adult cases a month. Personal interviews, conducted by one Commissioner, are granted only to inmates tentatively selected for parole. The purpose of these hearings is to evaluate the inmate for parole readiness and to review the parole plans. Three affirmative votes are needed for a parole grant.

North Carolina law (GS 140) specifies four criteria to be used in considering inmates for parole: 1) "the reasonable probability that the prisoner will live and remain in liberty without violating the law"; 2) "that the release of the prisoner is not incompatible with the welfare of society"; 3) "that the record of the prisoner during his confinement established that the prisoner is obedient to prison rules and regulations"; and 4) "that the prisoner harbors no resentment against society or the judge, prosecuting attorneys, or jury that convicted the prisoner" (North Carolina General Statute 148-60, 1969).

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[1] The structure of a parole board and its procedures have a strong bearing on the board's decision-making process.

These criteria were set forth in more specific terms in a case summary sheet used by the Commission's case analysts when the present study began. This sheet contained a checklist of negative factors which represented reasons for not recommending parole (Figure 3.1).

## Data Collection

Members of the research team met with the Commission in February, 1975. In discussing the federal guideline study, the Commissioners commented that, unlike the United States Parole Commission, they were not strongly influenced by the seriousness of the offense. They believed that the judge considered this factor in sentencing, and that it was not their responsibility, in effect, to resentence the inmate. In addition, they explained that because inmates must serve one-quarter of their sentence, this mandatory term represented the deterrent and retributive aspects of the sentence.

In discussing their parole criteria as reflected in Figure 3.1, the Commissioners expressed concern about "risk," that is, whether the inmate would pose a danger to the community if released at this time. In assessing the case along this dimension, the Commissioners explained that they took into consideration the length and seriousness of the inmate's prior record, the length of time between offenses, whether his present offense or pattern of criminal activities were related to a history of alcohol or drug abuse, or whether he had a history of mental illness or was the subject of a recent unfavorable psychological report. They were concerned also with the inmate's probation or parole records; inmates who had committed crimes on probation or parole were seen as poor parole risks.

The Commissioners explained that they took into consideration a number of factors related to the inmate's institutional adjustment. They stated that they placed great emphasis on the inmate's participation in and response to institutional programs, particularly work release. Failure on work release was interpreted as an

Reasons Not Recommended:

| Major | Minor | |
|---|---|---|
| ___ | ___ | Not in honor grade, minimum custody |
| ___ | ___ | Assaultive nature |
| ___ | ___ | Poor attitude |
| ___ | ___ | Community or official objections to release |
| ___ | ___ | Charges pending |
| ___ | ___ | Previous court record |
| ___ | ___ | Previous criminal conduct |
| ___ | ___ | Escape |
| ___ | ___ | Insufficient time served |
| ___ | ___ | Previous parole unsatisfactory |
| ___ | ___ | Recent infraction |
| ___ | ___ | Psychiatric report unfavorable |
| ___ | ___ | Previous record of similar offenses |
| ___ | ___ | Nature of crime |
| ___ | ___ | No employment plan |
| ___ | ___ | No residence plan |

*Figure 3.1: Criteria Used by Case Analysts*
*(excerpted from Parole Case Review Form PR-966 3/74)*

indication that the inmate was unlikely to comply with parole conditions. It was also Commission policy to deny parole to inmates who had recently escaped, were not in minimum custody, or had a history of infractions in the institution. The Commissioners explained that, by statute, they are not permitted to parole inmates who have serious disciplinary records. Furthermore, they believed that it was their responsibility to assist in the maintenance of institutional order by denying parole to inmates who violated regulations. The Commissioners explained that denials of parole in such instances were made in the hope that they would serve as a deterrent to misconduct; however, they did not interpret poor institutional adjustment as a sign that the inmate would not succeed on parole. They added that the inmate most likely to be paroled at first eligibility was a first offender who had a very good institutional record. It was evident from this meeting that these Commissioners were aware that they had several explicit, albeit unwritten, policies which influenced their decisions.

The Commissioners said, though, that they were not sure they all applied the criteria in the same manner. There were situations, in addition to those covered by the criteria they had enumerated, in which they believed their policy was less well defined. The Commissioners therefore wanted to develop a consistent, rational policy and had joined the study for this reason.

The Commissioners reviewed and approved the case evaluation form (Appendix C). It was agreed that the form would be completed by the first Commissioner to review a case file, and that one form would be completed on every inmate eligible for parole during the data collection period. The rater would record his own subjective estimates of the inmate and his own parole decision. Thus, the ratings and the decisions recorded on the forms would represent the conclusions of one Commissioner, not those of the entire Commission. This procedure was consistent with the project aim of studying the relations between the subjective estimates and Commissioner decisions. It was, of course, possible that the rating Commissioner would vote to deny parole, although a Commission majority voted to grant. Since a large sample was anticipated, it seemed reasonable to assume that the voting patterns of the entire Commission would be accurately represented over the entire sample.

Although the Commissioners had enumerated criteria (e.g., minimum custody) in addition to those on the case evaluation form, it was decided that these criteria would not be incorporated into the data collection instrument.

First, it was desirable that the data collection instrument be as uniform as possible for all states in the project so that information would be comparable. Second, keeping the instrument short and simple would increase the probability that the form would be filled out accurately and completely. The Commissioners agreed that the additional factors that influenced their decisions would be recorded in the salient factor section of the form.

Data collection began on April 1, 1975, and was completed on September 30, 1975. A total of 3,315 Phase I case evaluation forms was received. After 139 cases concerning inmates serving maximum sentences exceeding 20 years were excluded, the sample was reduced to 3,176.

## Analysis

The preliminary analysis of the data served to determine, first, what factors were related to the decisions, and, second, whether the time-setting matrix model developed in collaboration with the United States Parole Commission could be adapted for the North Carolina Parole Commission's decision-making processes.

An examination of the product-moment correlation matrix (Table 3.1) showed that all relations were in the expected directions. Parole prognosis was the variable most highly correlated with the decisions ($r_{pb} = .60$). Four variables were moderately correlated with the decisions: institutional discipline (.49), program participation (.53), social stability (.39), and prior record (-.32). Seriousness of the offense, maximum sentence, and time served were not related to the grant/deny decision. As expected, the variables related to the decisions were in some instances fairly highly intercorrelated.

Originally, it had been anticipated that the factors

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[2] The highest intercorrelation is between time served and maximum sentence (r = .77). This very strong correlation is attributable to the fact that inmates must serve a quarter of their maximum sentence before eligibility; therefore, as the maximum sentence increases, the number of months served increases. Similar results were obtained in other jurisdictions where the inmates by statute or board policy must serve a fixed proportion of their maximum sentences until initial eligibility: Virginia, r = .84; Louisiana, r = .97; and Missouri, r = .89.

## Table 3.1

Correlation of Ratings and Decisions by the North Carolina Parole Commission (N = 3,176)

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. Decision* | | 3008 | 2968 | 2956 | 2520 | 2963 | 2980 | 2974 | 3009 | 3003 | 2906 |
| 2. Seriousness | .00 | | 2973 | 2957 | 2520 | 2964 | 2981 | 2975 | 3012 | 3006 | 2909 |
| 3. Parole Prognosis | .60 | .15 | | 2919 | 2487 | 2925 | 2942 | 2936 | 2969 | 2963 | 2869 |
| 4. Institutional Discipline | .49 | -.05 | .36 | | 2514 | 2915 | 2932 | 2926 | 2958 | 2952 | 2856 |
| 5. Program Participation | .53 | -.07 | .36 | .80 | | 2485 | 2496 | 2497 | 2521 | 2515 | 2429 |
| 6. Assaultive Potential | -.27 | .37 | -.26 | -.29 | -.30 | | 2943 | 2934 | 2964 | 2958 | 2866 |
| 7. Prior Criminal Record | -.32 | .12 | -.37 | -.27 | -.30 | .38 | | 2959 | 2981 | 2975 | 2880 |
| 8. Social Stability | .39 | .06 | .44 | .29 | .37 | -.22 | -.29 | | 2974 | 2968 | 2872 |
| 9. Time Served | .00 | .32 | -.07 | -.22 | -.14 | .28 | .17 | -.04 | | 3015 | 2918 |
| 10. Maximum Sentence | .01 | .41 | -.01 | -.14 | -.06 | .30 | .13 | -.01 | .77 | | 2912 |
| 11. Number of Prior Hearings | -.02 | .13 | -.12 | -.22 | -.18 | .19 | .16 | -.09 | .69 | .38 | |

Note: Numbers of cases are shown above the main diagonal, correlations below.
Significant correlations ($p < .01$) are underlined.

Column 1, Point bi-serial correlations coefficients; columns 2-11, Pearson's product-moment correlation coefficient.

* Dichotomous variable: Grant = 1, Deny = 0.

related to the decisions would be the same as those found in the federal study. These were seriousness of the offense, parole prognosis, and time served. As noted above, seriousness of the offense was not related to the decisions in North Carolina. In view of the negligible correlation between time served and the decisions, it was reasonable to conclude that the Commissioners were not "time-setting" *per se*; that is, there was no evidence that the Commission had either an implicit or explicit policy concerning the actual amount of time or proportion of the maximum sentence that an inmate must serve before parole. Thus, parole decisions in North Carolina could be conceptualized as questions of *whether*, rather than *when*, to parole.

Of the three dimensions reflected in the federal guidelines, only parole prognosis was strongly correlated with the paroling decisions in North Carolina. As explained in Chapter 2, page 24 , it was decided that parole prognosis *per se* could not be used as a major guideline dimension.

For the reasons indicated above, it was clear that a time-setting matrix model would not provide an appropriate descriptive model of this Commission's decision-making processes. It followed that a different model would be required.

Equations, employing multiple regression techniques, were computed to predict the grant/deny decisions. As Table 3.2 shows, the variation in the decisions could be explained substantially by the inclusion of the six independent variables most highly correlated with the decisions. When the parole prognosis coefficient, which had been entered sixth into the equation, was excluded from consideration, the multiple correlation coefficient dropped from .72 to .62. The first two variables alone, prior criminal record and institutional discipline, accounted for most of the remaining "explained" variation.

The inclusion of social stability, assaultive potential, and program participation added little to the predictive power of the equation. "Social stability" was a nebulous term which might include such diverse considerations as the inmate's employment record, marital status, and level of education. It therefore would be difficult to identify the numerous factors related to this dimension. The concept of "assaultive potential" seemed to involve some of the same difficulties. Although program participation was slightly more highly correlated with the deci-

Table 3.2

Regression of Inmate Status Variables and Commissioner Ratings on Parole Decision (Grant/Deny) (N = 2,384)*

| Variable** | Multiple Correlation Coefficient | $R^2$ | Change in $R^2$ | Correlation Coefficient | B | Beta |
|---|---|---|---|---|---|---|
| Prior Criminal Record | .34 | .12 | .12 | -.34 | -.002 | -.043 |
| Institutional Discipline | .58 | .34 | .22 | .55 | .008 | .190 |
| Social Stability | .61 | .37 | .03 | .39 | .003 | .046 |
| Assaultive Potential | .61 | .37 | .00 | -.29 | -.001 | -.027 |
| Program Participation | .62 | .38 | .01 | .53 | .008 | .179 |
| Parole Prognosis | .72 | .51 | .13 | .62 | .012 | .438 |
| Constant | | | | | -.699 | |

* Cases were included when the maximum sentence was up to and including 20 years and when data on all variables in the analysis were available.

** Point biserial correlation coefficients, with decision scored as Grant = 1, Deny = 0.

sions than institutional discipline, 13 percent of the cases lack information on this dimension. When complete information was available on both variables (Table 3.2), institutional discipline was slightly more highly correlated with the decisions than program participation. Social stability, assaultive potential, and program participation were, therefore, tentatively eliminated from further consideration.

The two remaining variables were prior criminal record and institutional discipline. Both were moderately correlated with the decisions and only moderately correlated with each other (-.27), indicating that these two variables tapped somewhat different dimensions. These variables could also be quantified, and the Commission had stated that they were important paroling criteria. It seemed possible that these two factors could be used as the basic dimensions for the guidelines. One way to clarify the relations between these variables and the grant/deny decision was through an analysis of crosstabulations presenting the percent granted parole as a function of the institutional discipline and prior criminal record ratings.

Tables 3.3 and 3.4 indicate that the paroling rate for the sample was 35 percent. The following conclusions about Commission policy were drawn from a study of Tables 3.3, 3.4, and 3.5.

1) In regard to institutional discipline (Table 3.3), the Commission saw the inmate population as heterogeneous, with ratings fairly evenly distributed across the three major discipline categories: poor/very poor, 33 percent; adequate, 27 percent; and good/very good, 39 percent.

2) Ninety-two percent of the inmates with poor/very poor institutional discipline ratings were denied parole; it was reasonable, therefore, using the 80 percent rule described in Chapter 2, to conclude that it was Commission policy to deny parole to inmates in this category.

3) Although no other decision rules emerged from the study of Table 3.3, it was clear that the probability of parole increased as the favorability of the institutional discipline rating increased.

4) In regard to the prior criminal record rating (Table 3.4), the distribution was somewhat skewed, with more inmates classified into the more favorable categories: serious/extensive, 24 percent; moderate, 28 percent; and minor/none, 48 percent.

Table 3.3

Parole Decisions Distributed According to Institutional Discipline Ratings

| Decisions | Institutional Discipline Ratings | | | | |
|---|---|---|---|---|---|
| | Poor/ Very Poor | Adequate | Good | Very Good | Total |
| Grant | 8%<br>(78) | 33%<br>(278) | 53%<br>(416) | 74%<br>(314) | 35%<br>(1,086) |
| Deny | 92%<br>(948) | 67%<br>(567) | 47%<br>(368) | 26%<br>(113) | 65%<br>(1,996) |
| Total | 100%<br>(1,026) | 100%<br>(845) | 100%<br>(784) | 100%<br>(427) | (3,082) |
| | Missing information | | | | (94) |
| | Total number of cases | | | | (3,176) |

### Table 3.4

### Parole Decisions Distributed According to Prior Criminal Record Ratings

|  | Prior Criminal Record Ratings |  |  |  |
|---|---|---|---|---|
| Decisions | Serious/ Extensive | Moderate | No/Minor | Total |
| Grant | 17% (126) | 26% (230) | 50% (730) | 35% (1,086) |
| Deny | 83% (616) | 74% (646) | 50% (734) | 65% (1,996) |
| Total | 100% (742) | 100% (876) | 100% (1,464) | (3,082) |
|  | Missing information |  |  | (94) |
|  | Total number of cases = |  |  | (3,176) |

5) Again, a decision rule was tentatively identified regarding inmates in the most unfavorable category: it appeared to be Commission policy to deny parole to inmates with serious/extensive prior criminal record ratings.

6) Although the probability of parole increased as the favorability of the prior criminal record increased, no additional decision rules were identified.

7) Table 3.5 served to clarify the interaction between the prior criminal record and institutional discipline ratings, and the decisions. This table confirmed that it was Commission policy to deny parole to inmates with institutional discipline ratings of poor/very poor, regardless of their prior criminal record rating.

8) This table also indicated that it was necessary to modify the tentative decision rule to deny parole to inmates with serious/extensive prior criminal record ratings. The Commissioners showed a marked tendency to deny parole to offenders in this category; however, they did grant parole to a small number of inmates with exceptionally favorable institutional discipline ratings. It was apparent that further analysis of these cases would be necessary to determine with a higher degree of specificity the Commissioner's policies concerning inmates with unfavorable prior criminal record ratings.

9) This three-variable table cast further light on the Commission policy regarding inmates with prior criminal record ratings of none or minor. It appeared that it was Commission policy to grant parole to inmates in this category if they were rated as having very good institutional discipline.

No further decision rules were derived from an analysis of these tables.

It seemed from these distributions that the Commission had a well-defined policy concerning inmates with extremely favorable or unfavorable ratings. For the remaining cases, particularly those in which the inmate was rated as average on either dimension, it was assumed that these decisions had been influenced by additional factors, that is, those factors mentioned by the Commissioners at the initial meeting, and recorded in the salient factor section of the case evaluation form.

## Salient Factors

As anticipated, an analysis of the salient factors

## Table 3.5

### Percentage of Inmates Granted Parole, Distributed According to Institutional Discipline Ratings and Prior Criminal Record Ratings*

| Institutional Discipline Ratings | Prior Criminal Record Ratings | | | |
|---|---|---|---|---|
| | Serious/ Extensive | Moderate | No/Minor | Total |
| Very Good | 46%<br>(37) | 61%<br>(95) | 81%<br>(295) | (427) |
| Good | 28%<br>(130) | 39%<br>(190) | 66%<br>(464) | (784) |
| Adequate | 21%<br>(232) | 25%<br>(271) | 47%<br>(342) | (845) |
| Poor/Very Poor | 6%<br>(343) | 9%<br>(320) | 7%<br>(363) | (1,026) |
| Total | (742) | (876) | (1,464) | (3,082) |
| | Missing information | | | (94) |
| | Total number of cases | = | | (3,176) |

* Note on how to read Table 3.5: The percentages show the percentage of inmates granted parole who fell into the category indicated by the intersection of a column and a row. The percentages do not add up to 100. The numbers in parentheses show the total number of inmates who fell into the category indicated by a column-row intersection.

showed that there were several negative factors consistently associated with parole denial, i.e., not in honor grade (minimum custody), detainer pending in North Carolina, recent probation or parole violation. Altogether, there were eleven factors in this category. These factors *seemed* to operate as "screens," eliminating those to whom they applied from further parole consideration. In other words, if an inmate was perceived as having a chronic alcohol problem, the unfavorable nature of this factor *seemed* to preclude him from further parole consideration and to overrride any favorable factors. It appeared, therefore, that it was Commission policy to deny parole in cases in which one or more of these factors was present, regardless of the seriousness of the prior criminal record or institutional discipline ratings.

This analysis had identified what were assumed to be the Commission's major decision-making criteria and policies. It was necessary now to develop a conceptual model which could incorporate the decision rules derived from this analysis and provide a framework for further analysis.

## Model Development: The Evolution of the Screening Model

One way to conceptualize the Commission's decision-making process was to posit that the eleven unfavorable factors took precedence over all other considerations early in the decision process, and in effect excluded inmates to whom they applied from further consideration as parole candidates.

It was hypothesized that for cases not screened out by these eleven criteria, the final decision would be determined largely on the basis of the institutional discipline and/or prior criminal record ratings. As evident from the crosstabulations, there was considerable overlap between these two categories; for example, 46 percent of the inmates with serious or extensive prior criminal record ratings had poor/very poor institutional discipline ratings.

It was therefore necessary to develop a decision-making model that would deal with the problem of overlap and provide a strategy for further identifying Commission policy. It was found that both of these objectives could be achieved through case-classification techniques, involving sub-divisions of the sample through successive sorting.[3]

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[3] For a discussion of manifold classification and con-

The basic strategy involved successively subdividing the sample according to the tentatively-identified decision rules. This process provided a strategy for studying the interaction of a few variables while controlling for the effects of a number of other independent variables. This technique provided an effective substitute for the use of numerous multi-celled crosstabulations.

To test this "screening" model, a systematic sample was drawn, based on case evaluation forms with file numbers ending in "3" and "7." (These were selected from the total sample of 3,315. Replacements were made for cases where the maximum sentence exceeded 20 years.)

The sorting pattern used on the sub-sample tentatively identified Commission policy governing 93 percent of the cases. This sorting pattern was then duplicated on the full sample. A simplified diagram of this sorting pattern, showing the distribution of the full sample, is shown in Figure 3.2.

The first sort concerned the specific situations that seem to make the inmate virtually ineligible for parole. These were termed "Basic Considerations." For example, all forms on which "not in minimum custody" was mentioned as a salient factor were sorted out of the sample. Next, the sequence dealt with the two additional categories defined by single-factor rules: poor/very poor institutional discipline and serious/extensive prior criminal record ratings. Since the "poor" discipline category included more cases than the "serious" record category, it was placed before "serious" record in the sorting order. When cases rated as having a serious/extensive prior criminal record were examined, a further decision rule was derived. It appeared that the decision was influenced by the length of time served and the time remaining on the sentence, and that it was Commission policy to deny parole to inmates who had served a relatively short time. "A relatively long time" was operationally defined after a study of the data as 1) four years or more on a sentence of ten years or more; or 2) forty percent or more of a sentence under ten years.

After the sample had been subdivided according to the Basic Considerations and poor institutional discipline and serious prior record ratings, the remaining cases were further subdivided on the basis of double-factor rules

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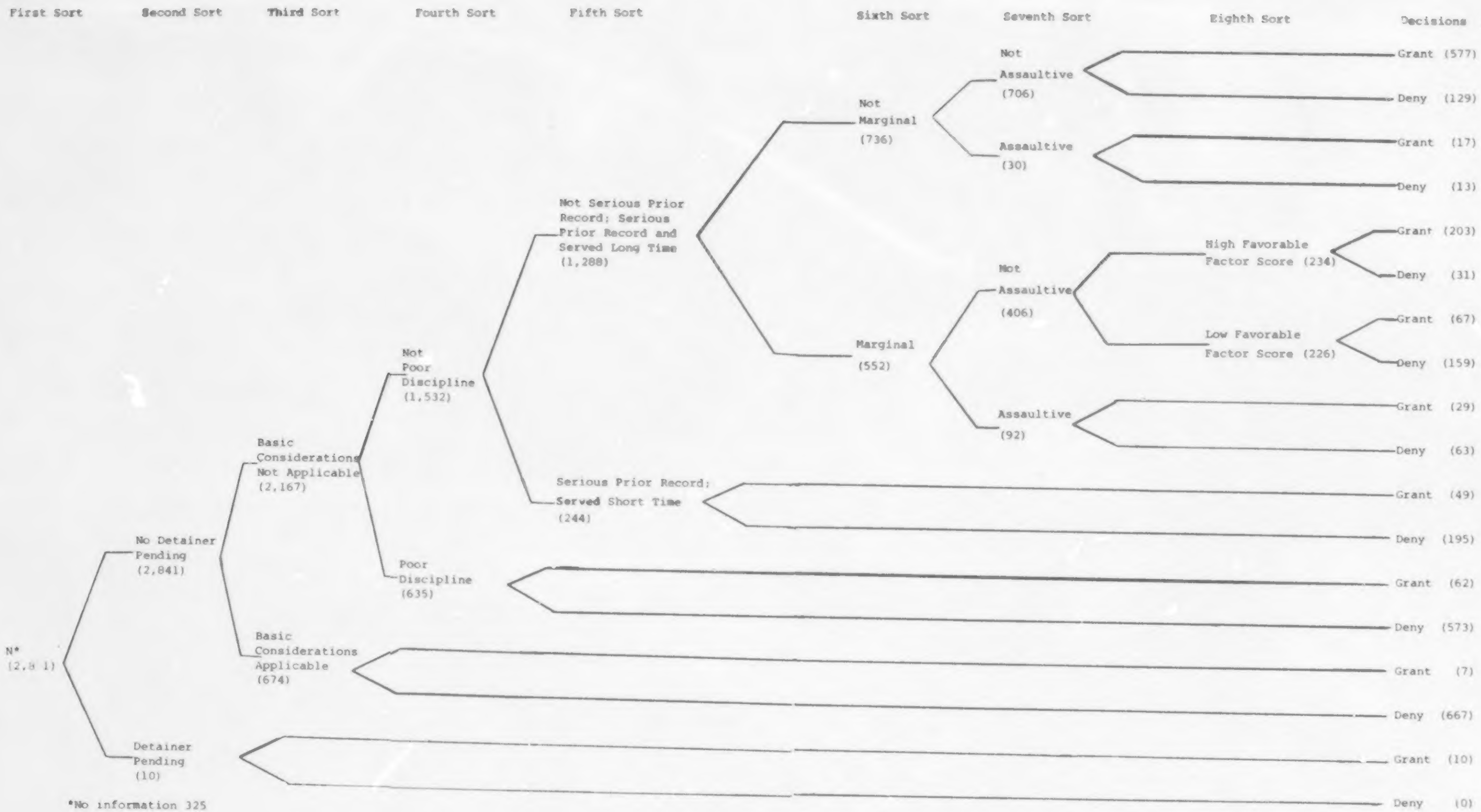
figurational analysis, see Glaser, D., Routinizing Evaluation, Rockville, Md.: National Institute of Mental Health, 1973, pp. 148-154.


First Sort
Second Sort
Third Sort
Fourth Sort
Fifth Sort
Sixth Sort
Seventh Sort
Eighth Sort
Decisions
N*
(2,8 1)
No Detainer Pending (2,841)
Detainer Pending (10)
Basic Considerations Not Applicable (2,167)
Basic Considerations Applicable (674)
Not Poor Discipline (1,532)
Poor Discipline (635)
Not Serious Prior Record; Serious Prior Record and Served Long Time (1,288)
Serious Prior Record; Served Short Time (244)
Not Marginal (736)
Marginal (552)
Not Assaultive (706)
Assaultive (30)
Not Assaultive (406)
Assaultive (92)
High Favorable Factor Score (234)
Low Favorable Factor Score (226)
Grant (577)
Deny (129)
Grant (17)
Deny (13)
Grant (203)
Deny (31)
Grant (67)
Deny (159)
Grant (29)
Deny (63)
Grant (49)
Deny (195)
Grant (62)
Deny (573)
Grant (7)
Deny (667)
Grant (10)
Deny (0)

*No information 325
Total: 3,176

Figure 3.2: Sorting Pattern for North Carolina Phase I Data

based on combinations of the prior criminal record and institutional discipline ratings.

The Basic Considerations and single and double factors "explained" the large majority of the decisions in the sample. They covered cases representing relatively extreme ratings, that is, very favorable or very unfavorable. The only cases not screened out were "marginal" cases, that is, those containing a rating of "adequate" on institutional discipline and/or "moderate" on prior criminal record. Inmates with serious/extensive prior criminal record ratings who had served "a relatively long time" were also classified as marginal cases.

It was necessary to determine which additional factors distinguished marginal candidates who were granted parole from those who were denied. A close scrutiny of the case evaluation forms suggested that a range of factors pertaining to the offense, conduct in the institution, proportion of time served, or special post-release plans had influenced the decision. It appeared that parole had been granted when at least two factors favorable to the inmate were present; otherwise, parole had been denied. A decision rule was formulated, incorporating this finding.

This sorting technique had enabled the research staff to identify what seemed to be the major criteria and policies of the Commission.

## Guideline Formulation

It was then necessary to place the decision rules in a convenient sequence for the Commission's use. In order to accomplish this, the sorting pattern was translated into a flowchart (Figure 3.3).

This model provided a mechanism for structuring the order in which the factors would be taken into consideration. In this flowchart model, a case would meet successive decision points. At each decision point, or screen, the case would be evaluated against a criterion. The direction indicated at the decision point would determine the next path leading to another decision point and/or a stop, consisting of grant or deny. Thus, each test eliminated some of the cases from further consideration, either through a parole or a deny decision, and passed the remaining cases on to be evaluated against another criterion.

A questionnaire format was adopted to translate this screening process into simple yet comprehensive guidelines

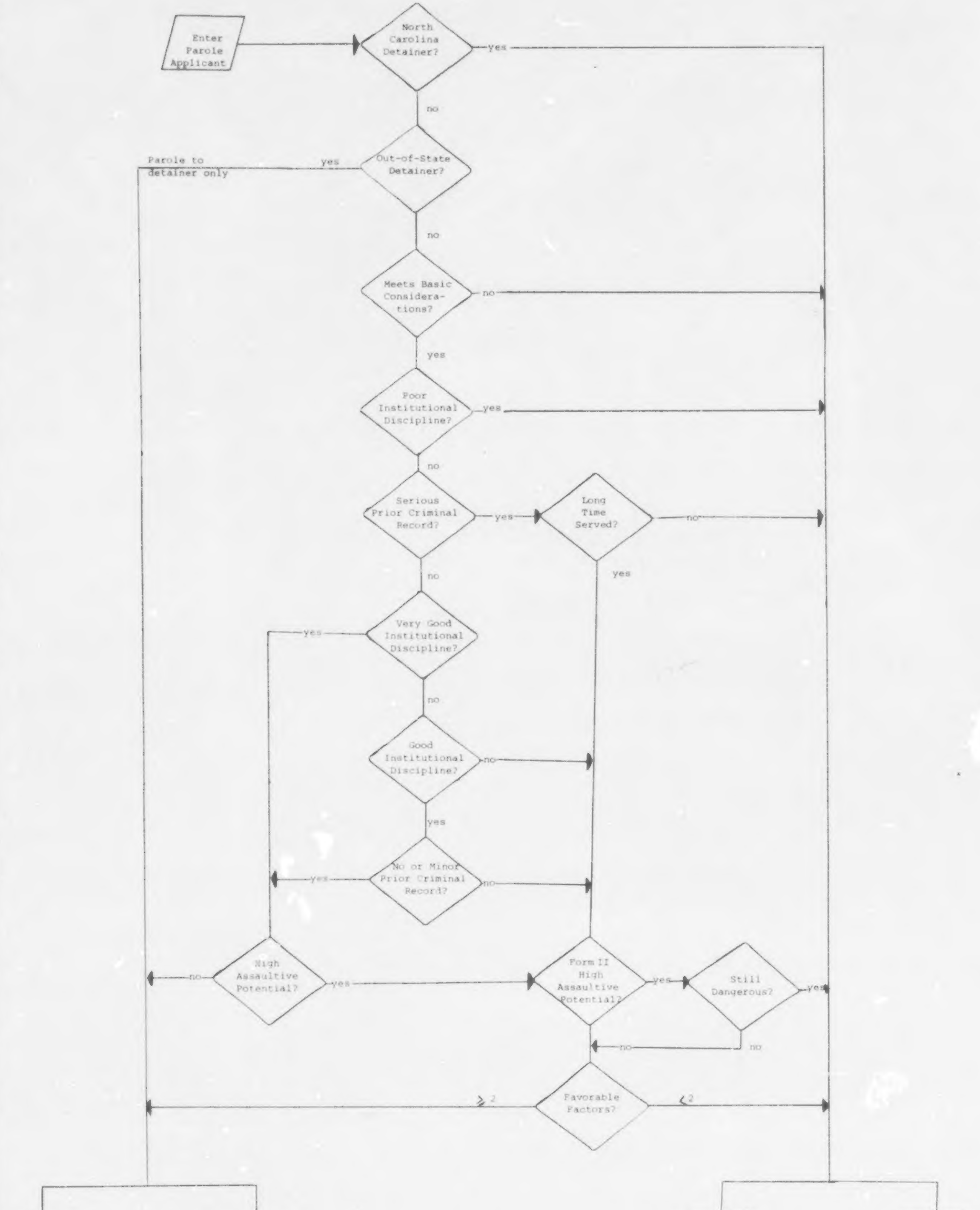

Enter Parole Applicant
North Carolina Detainer?
yes
no
Out-of-State Detainer?
yes
Parole to detainer only
no
Meets Basic Considerations?
no
yes
Poor Institutional Discipline?
yes
no
Serious Prior Criminal Record?
yes
Long Time Served?
no
yes
no
Very Good Institutional Discipline?
yes
no
Good Institutional Discipline?
no
yes
No or Minor Prior Criminal Record?
yes
no
High Assaultive Potential?
no
yes
Form II High Assaultive Potential?
yes
Still Dangerous?
yes
no
no
Favorable Factors?
≥ 2
< 2
Grant Inside
Grant Outside
Deny Outside
Deny Inside

Figure 3.3: Flowchart Derived from Sorting Pattern Shown in Figure 3.2

(Figure 3.4). The questionnaire was based on checked items, which called for "yes" or "no" responses. Each item contained either a decision rule, which indicated deny or grant parole, or instructions to continue to another item. The guidelines were written in terms which, when possible, embodied the Commission's own phraseology. In effect, each question constituted a statement of Commission policy. Item 2a, for example, asks, "Does the inmate have detainers pending in North Carolina? If yes, deny parole." Implicit in this question is a statement that it is Commission policy to deny parole to inmates with detainers pending in North Carolina.

When Commission and guideline decisions were compared for the full sample, it was found that Commission action agreed with, or was "inside the guidelines," in 86 percent of the cases (See Table 3.6). This proportion more than satisfied the agreed-on requirement that at least 80 percent of the decisions must fall within the guidelines. Individually, each item complied with the 80 percent requirement, with the exception of the items relating to assaultiveness. These were tentatively included in the guidelins with the understanding that the influence of assaultiveness on decision would be discussed with the Commission.

Although preliminary guidelines had been developed, further data collection was still required. First, the guidelines needed to be tested and validated on new data to ensure that they accurately reflected Commission policy. Second, further data collection was needed to refine some items in the Basic Considerations section. The guidelines referred to "recent" escape or "recent" probation violation; in order to determine what the Commissioners regarded as "recent," they were asked to record the date on which the offense took place. In addition, it was necessary to develop operational definitions for prior criminal record and institutional discipline, in order to reduce subjectivity and inconsistency in these ratings.

## Implementation of Preliminary Guidelines: Phase II

When the preliminary guidelines had been developed, the research staff met with the North Carolina Parole Commission in December, 1975. The purpose of this meeting was to present the findings from the Phase I data collection and to explain the proposed guidelines. The Commissioners confirmed that the guidelines reflected their criteria and their paroling policies. They also agreed that there was a need to reduce subjectivity in the ratings. It was agreed that the data collection instrument

North Carolina Parole Commission
Preliminary Guidelines
(Do not use for driving offenders or
inmates with sentences over 20 years.)
Form I

| | YES | NO |
|---|---|---|
| A. Basic considerations | | |
| 1. Does the inmate have detainers pending in other jurisdictions?<br>*If YES, parole to the detainer only.*<br>*If NO, continue to 2.* | ___ | ___ |
| 2. a. Does the inmate have detainers pending in North Carolina? | ___ | ___ |
| b. Is he in less than honor grade? | ___ | ___ |
| c. Does he have a chronic alcohol problem? | ___ | ___ |
| d. Does he have a history of driving offenses related to alcohol abuse? | ___ | ___ |
| e. Is there a recent unfavorable psychological report on the inmate? | ___ | ___ |
| f. Is he enrolled in work release or another institutional program that should be completed before parole? | ___ | ___ |
| g. Are there very strong police, judicial, or community objections to the inmate's release at this time? | ___ | ___ |
| h. Has there been a very short time between offenses? | ___ | ___ |
| i. Has he escaped recently?<br>(Specify date:__________________) | ___ | ___ |
| j. Has he violated probation or parole recently?<br>(Specify date:__________________) | ___ | ___ |
| k. Has he failed on work release recently?<br>(Specify date:__________________) | ___ | ___ |

*If all answers in 2 are NO, continue to B.*
*If any answers in 2 are YES, deny parole.*

*Figure 3.4: Preliminary Guidelines*

YES NO

B. 1. Does the inmate have a discipline rating of POOR or VERY POOR?
*If YES, deny parole. If NO, continue to 2.* ___ ___

2. a. Does the inmate have a prior criminal record rating of NONE, MINOR, or MODERATE?
*If YES, skip to 3. If NO, continue to b.* ___ ___

b. Does the inmate have a prior criminal record rating of SERIOUS or EXTENSIVE?
*If YES, continue to c. If NO, skip to 3.* ___ ___

c. Has the inmate served a relatively long time?*
*If YES, go to Form II. If NO, deny parole.* ___ ___

3. a. Does the inmate have a discipline rating of VERY GOOD?
*If YES, skip to 4. If NO, continue to b.* ___ ___

b. Does the inmate have a discipline rating of GOOD?
*If NO, continue to c.* ___ ___
*If YES, and he has a prior criminal record rating of NONE or MINOR, skip to 4.*
*If YES, and he has a prior criminal record rating of MODERATE, go to Form II.*

c. Does the inmate have a discipline rating of ADEQUATE?
*If YES, go to Form II.* ___ ___

4. Does the inmate have a high assaultive potential? ___ ___
*If YES, go to Form II. If NO, parole.*

*Decision:* *Parole*______ *Deny parole*______

*For a decision outside the guidelines:*

*Inmate was paroled/denied parole because*__________________________

______________________________________________________________

Date____________________ Commissioner_________________________

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* A relatively long time could be defined as
1) 4 years or more on a sentence of 10 years or more; or
2) 40% or more of a sentence under 10 years.

*Figure 3.4: Preliminary Guidelines (continued)*

## Form II

(Use following Form I, with marginal parole candidates.)

| | YES | NO |
|---|---|---|
| 1. Does the inmate have a high assaultive potential? | ___ | ___ |
| *If YES, continue to 2. If NO, skip to 3.* | | |
| 2. Has the inmate's prison conduct been so good as to give reasonable assurance that he is no longer dangerous? | ___ | ___ |
| *If YES, continue to 3. If NO, deny parole.* | | |
| 3. Are there extraordinary factors relating to the inmate's condition that indicate that parole should be granted at this time (disabled, aged, terminally ill, debilitated)? | ___ | ___ |
| *If YES, parole. If NO, continue to 4.* | | |
| 4. Are there strong favorable factors that suggest that release may be appropriate at this time? | | |
| a. Factors relating to the offense: | | |
| 1) Low seriousness of the offense | ___ | ___ |
| 2) Minor role in the offense | ___ | ___ |
| 3) Long interval between offenses | ___ | ___ |
| b. Factors relating to conduct in the institution: | | |
| 1) Low assaultiveness | ___ | ___ |
| 2) Good or very good work participation | ___ | ___ |
| 3) Recent good conduct | ___ | ___ |
| c. Proportion of time served: | | |
| 1) 40% of a sentence of 5 or more years | ___ | ___ |
| 2) Serving sentence of under 5 years and likely to complete sentence if not paroled at this time | ___ | ___ |
| d. Special plans for medical or psychiatric treatment after release | ___ | ___ |
| *If 2 or more answers in 4 are YES, parole.*<br>*If not, deny parole.* | | |

*Decision:* *Parole*______ *Deny parole*______

*For a decision outside the guidelines:*

*Inmate was paroled/denied parole because*______________________________

________________________________________________________

Date____________________ Commissioner____________________________

*Figure 3.4: Preliminary Guidelines (continued)*

Table 3.6

Distribution of Decisions in Phase I Sample, According to Preliminary Guidelines

| Guideline Decision Rules | Commissioner Decisions |  |  |
|---|---|---|---|
|  | Inside Guidelines | Outside Guidelines | Total |
| Basic Considerations | 99% (677) | 1% (7) | 100% (684) |
| Poor/Very Poor Institutional Discipline Rating | 90% (573) | 10% (62) | 100% (635) |
| Serious/Extensive Prior Criminal Record Rating, Served a Short Time | 80% (195) | 20% (49) | 100% (244) |
| Not Marginal, Not Assaultive | 82% (577) | 18% (129) | 100% (706) |
| Not Marginal, Assaultive | 57% (17) | 43% (13) | 100% (30) |
| Marginal, Assaultive | 68% (63) | 32% (29) | 100% (92) |
| Favorable Factors | 79% (362) | 21% (98) | 100% (460) |
| Total | 86% | 14% | 100% (2,851) |
|  | Missing information |  | (325) |
|  | Total number of cases = |  | (3,176) |

shown in Figure 3.5 would be used to develop definitions for prior criminal record and institutional discipline.

The influence of assaultiveness on decision was discussed with the Commissioners. They explained that the rating had actually reflected assessments of assaultive history rather than of "assaultive potential." The Commissioners stated that they sometimes paroled an inmate with a history of assaultiveness if, when judging from his institutional progress, there was a substantial reason to believe that the inmate was no longer dangerous. Apparently, it was this distinction that had given rise to many decisions that had been classified by the research staff as outside the guidelines.

The Commissioners were urged to exercise their discretion in applying the decision rules to individual cases. In other words, although it was Commission policy to deny parole to inmates who were not in minimum custody, there might be circumstances when it would be appropriate to parole an inmate in this category. In these cases, the Commissioners were asked to state their reasons for going outside the guidelines.

Since the analytical objectives of this phase of the research were limited and immediate feedback was desired, a relatively small sample was requested for this data collection. Each Commissioner was asked to fill out at least 50 preliminary guideline forms with the attached operational definition form.

## Phase II: Data Analysis

When this validation sample was returned, the decisions on 94 percent of the 371 forms were within the guidelines. The paroling rate for the sample was 29 percent, as compared with 35 percent for the original sample ($z = 1.75$, $p < .05$). This stimulated some concern that the guidelines might have influenced, rather than reflected, Commission policy. When questioned about this, the Commission advised that their caseload had consisted of predominantly serious offenders during the data collection period and, therefore, they believed the sample was not representative of their average caseload.

The Phase II returns were analyzed item by item. The 80 percent rule was used as the standard for determining whether each item represented Commission policy. Analysis of the Basic Consideration items revealed that chronic alcohol abuse and police objections did not mandate denials in at least 80 percent of the cases; therefore, these

North Carolina Parole Commission
Data Collection Instrument for Operational Definitions

*Please fill in the following scales. In the space beneath each scale write in the facts about the case which support your rating. For example, if you circled VERY POOR on the institutional discipline scale, write in the number of major and minor infractions and the dates of the infractions. The same procedure is to be followed for prior criminal record: list all prior convictions, prior incarcerations, and/or arrests which influenced your assessment of the inmate on this dimension.*

INSTITUTIONAL DISCIPLINE

VERY POOR - POOR - ADEQUATE - GOOD - VERY GOOD

| Infractions | Dates |
|---|---|
| | |
| | |
| | |
| | |

PRIOR CRIMINAL RECORD

NONE - MINOR - MODERATE - SERIOUS - EXTENSIVE

| Offense | Date of Sentence | Length of Sentence |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

*Figure 3.5: Data Collection Instrument*

items were eliminated from the Basic Considerations section. Decisions on all other guideline items more than satisfied the 80 percent rule.

## Operational Definitions

The Commission had supplied ample data for developing operational definitions for institutional discipline ratings. Tables were compiled for each category of the institutional discipline scale. Under each rating category were listed the specific infractions and combinations of infractions that the Commission had associated with these ratings.

When these entries were studied, it was found that the institutional discipline rating was actually an index composed of the type, number, and recency of infractions. The Commission did not seem to be considering infractions over a year old. The range of infraction attributes in each category was grouped, to determine the boundaries for that category. Since, for example, virtually no major infractions were recorded for inmates rated as having good discipline, it was assumed that major infractions would fall below the boundary defining the good institutional discipline category.

An alphabetical code was developed to translate each type of infraction and its recency into a symbol. For example, "E" indicated a minor infraction during the last year, but not within the last six months (Figure 3.6).

To test the accuracy of these definitions, the ratings for institutional discipline given by the Commissioners in the sample were compared with those indicated by the operational definitions. The Commissioners' ratings were consistent with the guideline ratings in 84 percent of the cases.

A similar technique was employed in studying prior criminal record. This analysis was complicated by the broad range of possible penalties that inmates had received (suspended sentences, fines, juvenile sentences, probations). It appeared that the Commissioners' ratings of prior criminal record were primarily a function of the number of convictions followed by incarceration and the length of the sentences to incarceration.[4] For

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[4] The Commissioners referred to a sentence to incarceration on which the inmate actually served jail or prison time as an "active" sentence. This term provides

North Carolina Parole Commission
Institutional Discipline Classification
(Do not use for driving offenders or inmates with sentences over 20 years; exclude present sentence, juvenile record, arrests, and convictions not followed by incarceration.)

| Class | Type of Infraction |
|---|---|
| A | Escape during last 6 months |
| B | Escape during last year, but not during last 6 months |
| C | Major infraction during last year |
| D | Minor infraction during last 6 months |
| E | Minor infraction during last year, but not during last 6 months |

| | Good | Adequate | Poor |
|---|---|---|---|
| Infractions at this level: | E | B, C, D, E | A, B, C, D, E |
| Greatest possible infraction combinations at this level: | 1E | 1B<br>1C<br>1E + 1D<br>2E's | Any combination that exceeds Adequate |

*Guideline Rating:* ______________________ *Commission Rating:* ______________________

*For a Commission rating outside guidelines, please state reasons:* ______________________

______________________________________________________________________

*Figure 3.6: Institutional Discipline Classification*

simplicity, the definitions took only these two dimensions into account (Figure 3.7). The ratings for prior criminal record given by the Commission in the sample were then compared with those indicated by the operational definitions; they agreed in 81 percent of the cases.

## Phase III: Revision of the Preliminary Guidelines

The staff met with the Commission to discuss the Phase II findings and to explain the operational definitions. At this meeting, the Commissioners were advised that they could modify these ratings to reflect the influence of mitigating or aggravating factors. When these considerations brought the rating outside the guideline definition, the Commissioners were asked to list the factors that affected the rating. In using the guidelines, the Commissioners were advised to consider the inmate as classified according to their final rating, whether or not it was the same as the rating suggested by the operational definitions.

During this meeting, the Commission discussed the feasibility of adapting the guidelines so that their responses could be easily coded for computer processing. This would provide them with a permanent record of their decisions and reasons for going outside the guidelines.

As a transitional aid to computerization, the questionnaire format was replaced by a checklist of the guideline criteria (Figure 3.8). This new short form, with operational definitions for prior criminal record and institutional discipline ratings, was returned to the Commission. Again, because research objectives were now very limited, a small sample was requested. A total of 150 forms were returned. Ninety-eight percent of the decisions in the sample were within the guidelines. The paroling rate, a low 17 percent ($z = 3.6$, $p < .001$) seemed to be related to the large proportion of inmates with poor institutional records. A total of 127 inmates, or 85 percent of the sample, failed to meet the Basic Considerations.

The very high percentage of cases within the guide-

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a succinct way to distinguish between suspended and actual sentences to incarceration. Although this term seems to be unique to this Commission, the research staff found that this concept was useful in developing operational definitions for the paroling authorities of Virginia, Louisiana, Missouri, New Jersey, and Washington.

North Carolina Parole Commission
Prior Criminal Record Classification
(Do not use for driving offenders or inmates with sentences over 20 years, exclude present sentence, juvenile record, arrests, and convictions not followed by incarceration.)

| Class | Length of Maximum Active Sentence |
|---|---|
| A | Over 10 years |
| B | Over 5 years, including but not exceeding 10 years |
| C | Over 1 year, including but not exceeding 5 years |
| D | Over 5 months, including but not exceeding 1 year |
| E | 5 months or less |

| | Minor | Moderate | Serious |
|---|---|---|---|
| Sentences at this level: | D, E | B, C, D, E | A, B, C, D, E |
| Greatest possible sentence combination at this level: | 1D + 2E's<br>4E's<br>2D's | 1B<br>2C's<br>1C + 2D's<br>1C + 4E's<br>1C + 1D + 2E's<br>2D's + 4E's<br>1D + 6E's<br>8E's<br>4D's | Any combination that exceeds Moderate |

*Guideline Rating:* ____________________ *Commission Rating:* ____________________

*For a Commission rating outside guidelines, please state reasons:* ____________________

________________________________________

*Figure 3.7: Prior Criminal Record Classification*

### North Carolina Parole Commission Guidelines
(Do not use for driving offenders or
inmates with sentences over 20 years.)

Number of prior hearings: ______________

*Please proceed sequentially through the form. CHECK ALL FACTORS as to whether they apply to the inmate. Stop after reaching a decision and record decision at the end of the form.*

| | | | | YES | NO |
|---|---|---|---|---|---|
| I. | A. | 1. | North Carolina detainer | ___ | ___ |
| | | 2. | Not in minimum custody | ___ | ___ |
| | | 3. | Recent unfavorable psychological report | ___ | ___ |
| | | 4. | Needs work release | ___ | ___ |
| | | 5. | Escape within last 6 months | ___ | ___ |
| | | 6. | Probation/parole violation within last 6 months | ___ | ___ |
| | | 7. | Work release violation within last 6 months | ___ | ___ |
| | | 8. | Poor institutional discipline | ___ | ___ |
| | | 9. | Highly assaultive/still dangerous | ___ | ___ |
| | | 10. | Serious record and not served relatively long time* | ___ | ___ |
| | | 11. | Short time between offenses | ___ | ___ |
| | | 12. | Police objections | ___ | ___ |
| | | | *If any answer in A is YES, deny parole. Otherwise, continue* | | |
| | B. | 1. | Out-of-state detainer (parole to detainer only) | ___ | ___ |
| | | 2. | Extraordinary factors (disabled, aged, terminally ill, debilitated) | ___ | ___ |
| | | | *If any answer in B is YES, parole. Otherwise, continue.* | | |

* A relatively long time is defined as
1) 4 years or more on a sentence of 10 years or more; or
2) 50% or more of a sentence under 10 years

*Figure 3.8: Guidelines*

II. *Using the Commission ratings for Prior Criminal Record and/or Institutional Discipline, locate the inmate's category below.*

YES NO

A. NO or MINOR prior criminal record and VERY GOOD or GOOD institutional discipline, present offense not committed on probation or parole ___ ___

B. SERIOUS prior criminal record and VERY GOOD or GOOD institutional discipline, served relatively long time* ___ ___

*If either answer is YES, parole. Otherwise, continue.*

C. All inmates with ADEQUATE institutional discipline; all inmates with MODERATE prior criminal records; all inmates whose present offense was committed on probation or parole

1. Low seriousness of present offense ___ ___
2. Minor role in offense ___ ___
3. Long interval between offenses ___ ___
4. Low assaultiveness ___ ___
5. Good work participation ___ ___
6. Recent good conduct ___ ___
7. Served 40% of a sentence of 5 or more years ___ ___
8. Likely to max out if not paroled now ___ ___
9. Medical/psychiatric treatment planned after release ___ ___

*If 2 or more answers in C are YES, parole. Otherwise, deny parole.*

*Commission Decision:* *Parole* ________ *Deny parole* ________

*For a decision outside the guidelines:*

*Inmate was paroled/denied parole because* __________________________

__________________________________________________________________

* A relatively long time is defined as
1) 4 years or more on a sentence of 10 years or more; or
2) 50% or more of a sentence under 10 years

*Figure 3.8: Guidelines (continued)*

lines gave further evidence that the guidelines accurately reflected Commission policy. In 97 percent of the cases, the Commissioners' rating of institutional discipline concurred with the guideline rating. It was evident that the operational definitions for this factor were appropriate. Similar results were found concerning the accuracy of the prior criminal record definitions; 91 percent of the Commissioners' ratings agreed with the guideline ratings.

## Phase IV: Implementation of the Guidelines

Before this project began, and while this research was in progress, the Commission used a computerized system for recording the Commission's parole decisions and, when parole was denied, reasons for denial. The Commission's computer and research staff is currently in the process of further refining the guideline form for computerization such that it will be possible to have a permanent record of both decisions inside and outside the guidelines. This system will provide a feedback mechanism through which the Commissioners can study their reasons for going outside the guidelines and to determine whether there have been any shifts in policy since the implementation of the guidelines. Since this computerization is just getting underway, follow-up data on the impact which the implementation of the guidelines has or may have on the decision-making process is not now available.

## Conclusion

At this time, it is difficult to assess the implications of the implementation of guidelines on the parole decision-making process of the North Carolina Parole Commission. Judging from the paroling rates of the Phase II and Phase III sample, it appears that the implementation of the guidelines may have had an unintended effect, in that, as the guidelines were successively refined, the parole rate decreased. The research staff is, however, confident that this steadily declining parole rate is appropriately attributed to the collection of small and substantially biased samples.[5]

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[5] See Chapters 4 and 6, which concern the research conducted in collaboration with the paroling authorities of Virginia and Missouri. In these jurisdictions, the Phase II data was collected over a period of several months; therefore, the samples were large and the probability of obtaining biased samples was decreased. The

It is obvious that guidelines based on the screening model developed to conceptualize this Commission's parole decision-making processes are a radical departure from the time-setting, matrix model of the United States Parole Commission.

In interpreting the findings presented in this chapter, a few factors must be kept in mind. Although case-classification techniques were used to derive the guideline decision rules, this does not necessarily suggest that similar results could not have been achieved through use of multiple regression techniques. The search for the appropriate calculus was terminated because it was evident from discussion with the Commissioners that case-classification methods provided a more efficient technique for identifying Commission policy.

From the initial conference with the Commissioners, it was apparent that they conceived of the parole decision-making process as involving a review of many discrete factors. Although the Commissioners did not express this process in these terms, it was clear from the initial meeting that the Commissioners had in mind certain minimum standards which an inmate had to meet before he was paroled. In short, the screening model developed in the course of this research was not entirely a creation of the research staff, but reflected, to some extent, the Commission's practice when the project began. The Commission's commitment to implementing the guidelines is thus partly explained by the fact that the model devised is compatible with their pre-existing conceptual frame of reference.

As a final note, it seems reasonable to ask, "How do the guidelines really work? Is a case really screened out?" The answer is an emphatic, "No!" The guidelines present in a short-hand form a summary of the Commission's major paroling criteria and policies. As explained in Chapter 2, the guidelines conceptualize the decision-making process *as if* the information search ceased at a specific point; *as if* poor institutional discipline, or recent probation violation were the *sole* determinants of the decision. In actuality, the information search does not end "early" in the decision-making process. The Commissioners are well aware of the fact that it is their policy to deny parole to inmates who are not in minimum

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paroling rate for these samples was comparable to that of the Phase I data. It was therefore concluded that the guidelines reflected rather than influenced paroling policies.

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custody; however, the file is still examined carefully to determine whether there are certain factors about the case which warrant a decision outside the guidelines.

## Chapter 4

## VIRGINIA

Colleen A. Cosgrove and Jane Wallerstein

### Board Structure and Procedure

The Virginia Parole Board consists of five full-time members, including a chairman. The Board has jurisdiction over all misdemeanants and felons with maximum sentences of over a year. The judge fixes the maximum sentence within the statutory limits for the offense. By statute, an inmate is eligible for parole at the expiration of one-fourth of his maximum sentence. Good time operates in such a way that the maximum sentence can be reduced by one-third. If an inmate is denied at first eligibility, his case is considered annually thereafter.

The inmate appears before a panel of two Board members. In fiscal 1977, 5,564 interviews were conducted. Each Board member makes an independent decision. The file is then reviewed by other Board members until three votes either to grant or deny are obtained. No criteria for parole are specified in Commonwealth law; the Board, however, has adopted such criteria as explained below. The law requires the Board to conduct a "thorough investigation prior to release " (Section 53-253), including the "history, the physical and mental condition, and the character of the prisoner and his conduct, employment and attitude while in prison...."

The research staff met with the Board members in January, 1975. In describing their paroling policy, the Board members explained that they had recently adopted a statement of criteria (Figure 4.1). This written statement of policy reflected four major concerns: 1) risk; 2) the effect of the release on institutional discipline; 3) whether the inmate had served enough time for retribution; and 4) whether further incarceration would decrease the probability of recidivism. It listed 28 factors to be considered in evaluating the case on these four major dimensions.

The Board members expressed a desire to develop guidelines that would embody these criteria and describe the way in which they were to be applied. They approved the case evaluation form (see Appendix C). It was decided that the Board member who interviewed the inmate would complete the form and that the ratings and decisions would reflect conclusions of the individual decision-maker.

## VIRGINIA PROBATION AND PAROLE BOARD

## PAROLE DECISION CRITERIA

The Virginia Probation and Parole Board, in determining whether an individual should be released on parole, is guided by the following:

1. Whether there is a substantial risk that the individual will not conform to the conditions of parole

2. Whether the individual's release at the time of consideration would depreciate the seriousness of the individual's crime or promote disrespect for the law

3. Whether the individual's release would have substantial adverse effect on institutional discipline

4. Whether the individual's continued correctional treatment, vocational or other training in the institution will substantially enhance his capacity to lead a law abiding life when released at a later date

In applying the above, the Board considers the following factors:

I. Sentence data

    A. Type of sentence

        1. Single
        2. Multiple
        3. Split

    B. Length of sentence
    C. Recommendations of judge, Commonwealth's Attorney, and other responsible officials

II. Present Offense

    A. Facts and circumstances of the offense
    B. Mitigating and aggravating factors
    C. Activities following arrest and prior to confinement, including adjustment on bond or probation, if any

III. Prior criminal record

    A. Nature and pattern of offenses
    B. Adjustment to previous probation, parole, and confinement

*Figure 4.1: Parole Decision Criteria*

IV. Personal and social history

A. Family and marital history
B. Intelligence and education
C. Employment and military experience
D. Physical and emotional health

V. Institutional experience

A. Response to available programs
B. Academic achievement
C. Vocational education, training or work assignments
D. Therapy
E. General adjustment

1 Inter-personal relationships with staff and inmates
2. Behavior

VI. Changes in motivation and behavior

A. Changes in attitude toward self and others
B. Reasons underlying changes
C. Personal goals and description of personal strengths of resources available to maintain motivation for law abiding behavior

VII. Release Plans

A. Residence

1. Alone
2. With family
3. With others

B. Employment, training, or academic education
C. Detainers

VIII. Community Resources

A. Special needs

1. Drug Program
2. Division of Vocational Rehabilitation
3. Alcoholics Anonymous

B. Volunteer Services

IX. Results of scientific data

A. Psychological tests and evaluations
B. Parole prediction tables

X. Impressions gained from the hearing

*Figure 4.1: Parole Decision Criteria (continued)*

Data collection began on April 7, 1975 and continued until October 20, 1975. Of the 1,738 forms received, thirty-one cases concerning inmates with a maximum sentence exceeding 30 years were excluded from the sample, reducing the sample to 1,707. Regressions and correlations were based on these remaining cases. In analyzing the data for the purpose of developing guidelines, it was found necessary to study decisions as a function of the ratings of individual board members. Since the chairman had completed too few cases (83) to analyze through case-classification techniques, these cases were excluded from this analysis, further reducing the sample to 1,624. Thus, crosstabulations show samples of 1,624.

## Analysis

The analytical techniques used were similar to those employed in studying the North Carolina data:

A review of the correlation matrix (Table 4.1), showed that the variable most highly correlated with the decisions was parole prognosis ($r_{pb} = .77$). Institutional discipline and program participation were moderately correlated with the decisions (.39 and .38, respectively) and highly with each other (.70). Prior record was moderately correlated with the decisions (-.33) and minimally correlated with institutional discipline (-.12). Neither seriousness of the offense nor time served showed more than a negligible correlation with the decisions (-.08 and -.04, respectively).

The relations of the major variables to the grant/deny decision were strikingly similar to those found in North Carolina. Since the statutory structures in the two states were also similar, it seemed possible that a screening model similar to that developed for North Carolina could be used as a basis for the Virginia guidelines.

The multiple regression equation derived from the inclusion of the six independent variables most highly correlated with the grant/deny decision resulted in a very strong multiple correlation: .78 (Table 4.2). When the parole prognosis coefficient derived from this analysis was excluded from this equation,[1] the remaining five variables

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[1] Virginia had contributed to the Uniform Parole Reports and it was believed that the information submitted could serve as a data base for developing an empirically-derived prediction device which could be incorporated into the guidelines. Unfortunately, the devices developed had limited validity (see Appendix A).

Correlation of Ratings and Decisions by the Virginia Parole Board (N = 1,707)

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. Decision* | | 1688 | 1685 | 1641 | 1532 | 1670 | 1680 | 1663 | 1687 | 1686 | 1687 |
| 2. Seriousness | -.08 | | 1692 | 1647 | 1538 | 1676 | 1686 | 1667 | 1693 | 1692 | 1693 |
| 3. Parole Prognosis | .77 | .00 | | 1645 | 1535 | 1673 | 1683 | 1664 | 1690 | 1689 | 1690 |
| 4. Institutional Discipline | .39 | .02 | .43 | | 1533 | 1634 | 1642 | 1624 | 1646 | 1645 | 1646 |
| 5. Program Participation | .38 | .10 | .45 | .70 | | 1529 | 1534 | 1516 | 1537 | 1537 | 1537 |
| 6. Assaultive Potential | -.28 | .48 | -.24 | -.19 | -.13 | | 1677 | 1656 | 1675 | 1674 | 1675 |
| 7. Prior Criminal Record | -.33 | .07 | -.37 | -.12 | -.09 | .25 | | 1666 | 1685 | 1684 | 1685 |
| 8. Social Stability | .37 | .03 | .42 | .27 | .26 | -.20 | -.44 | | 1666 | 1665 | 1666 |
| 9. Time Served | -.04 | .36 | -.09 | -.04 | -.02 | .18 | .25 | -.14 | | 1691 | 1692 |
| 10. Maximum Sentence | -.04 | .44 | -.03 | .05 | .10 | .19 | .15 | -.06 | .84 | | 1691 |
| 11. Number of Prior Hearings | -.02 | .14 | -.12 | -.13 | -.16 | .11 | .24 | -.16 | .71 | .36 | |

Note: Significant correlations ($p < .01$) are underlined.
Column 1, Point bi-serial correlation coefficients; columns 2-11, Pearson's product moment correlation coefficient. Numbers of cases are shown above the main diagonal; correlations, below.
* Dichotomous variable: Grant = 1, Deny = 0.

## Table 4.2

## Regression of Inmate Status and Board Member Ratings on Parole Decision (N = 1,495)*

| Variable** | Multiple Correlation Coefficient | $R^2$ | Change in $R^2$ | Correlation Coefficient | B | Beta |
|---|---|---|---|---|---|---|
| Prior Criminal Record | .32 | .10 | .10 | -.32 | -.001 | -.018 |
| Institutional Discipline | .49 | .24 | .14 | .40 | .004 | .074 |
| Social Stability | .52 | .27 | .03 | .37 | .003 | .036 |
| Assaultive Potential | .54 | .29 | .02 | -.28 | -.005 | -.083 |
| Program Participation | .55 | .30 | .01 | .38 | -.000 | -.008 |
| Parole Prognosis | .78 | .60 | .30 | .77 | .017 | .697 |
| Constant | | | | | -.285 | |

* Cases were included when the maximum sentence was up to and including 30 years and when data on all variables in the analysis were available.

** Point biserial correlation coefficients, with decision scored as Grant = 1, Deny = 0.

in linear combination had a multiple correlation coefficient of only .55. The first two variables entered into the equation, prior criminal record and institutional discipline, alone accounted for most of the variation. The relatively small proportion of the variation explained by the first five variables entered into the regression equation suggested that a better fit might be found for the data through the use of case-classification techniques.

Institutional discipline and prior record were moderately correlated with the decisions and minimally correlated with each other (r = -.12). As in the North Carolina study, it seemed possible that these two variables could provide a suitable basis for developing the guidelines. The regression equation had suggested that additional factors, probably related to program participation, assaultiveness, and social stability would be needed to fully identify Board policy.

The crosstabulations showed that the paroling rate for the sample was 51 percent, and an analysis of Tables 4.3, 4.4, and 4.5 gave rise to the following observations:

1) The Board appeared to have a definite policy of denying parole to inmates with poor/very poor institutional discipline ratings; only nine percent of inmates in this category were granted parole (Table 4.3). As the institutional discipline rating improved, the paroling rate increased; 65 percent of inmates rated as having good/very good institutional discipline were granted parole. Clearly, although a good discipline rating did not guarantee parole, it greatly increased the probability of that outcome.

2) The Board tended to deny parole to inmates with serious/extensive prior criminal record ratings (Table 4.4); 63 percent of offenders in this category were denied parole. As this rating improved, the probability of parole increased; 70 percent of inmates with prior criminal record ratings of no/minor were granted parole. Judging by the 80 percent rule, the Board's policy was not based on prior criminal record rating alone.

3) When the decision was viewed as a function of both the institutional discipline and prior criminal record ratings (Table 4.5), only one additional decision rule was derived. It appeared that it was Board policy to parole inmates who had a minor prior criminal record rating, combined with a good/very good institutional discipline rating; 82 percent of inmates in this category were paroled.

## Table 4.3

## Parole Decisions Distributed According to Institutional Discipline Ratings

| Decisions | Institutional Discipline Ratings | | | |
|---|---|---|---|---|
| | Very Poor/Poor | Adequate | Good/Very Good | Total |
| Grant | 9%<br>(18) | 41%<br>(204) | 65%<br>(592) | 51%<br>(814) |
| Deny | 91%<br>(182) | 59%<br>(297) | 35%<br>(313) | 49%<br>(792) |
| Total | 100%<br>(200) | 100%<br>(501) | 100%<br>(905) | 100%<br>(1,606) |
| | Missing information | | | 18 |
| | Total number of cases = | | | (1,624) |

## Table 4.4

### Parole Decisions Distributed According to Prior Criminal Record Ratings

| Decisions | Prior Criminal Record Ratings | | | |
|---|---|---|---|---|
| | Extensive/Serious | Moderate | Minor/None | Total |
| Grant | 37% (163) | 40% (225) | 70% (429) | 50% (817) |
| Deny | 63% (281) | 60% (339) | 30% (184) | 50% (805) |
| Total | 100% (444) | 100% (564) | 100% (613) | 100% (1,621) |
| | Missing information | | | 3 |
| | Total number of cases = | | | (1,624) |

## Table 4.5

### Percentage of Inmates Granted Parole, Distributed According to Institutional Discipline Ratings and Prior Criminal Record Ratings*

| Institutional Discipline Ratings | Prior Criminal Record Ratings | | | |
|---|---|---|---|---|
| | Serious/ Extensive | Moderate | Minor/None | Total |
| Very Good/ Good | 50%<br>(240) | 57%<br>(285) | 82%<br>(380) | (905) |
| Adequate | 28%<br>(139) | 31%<br>(184) | 61%<br>(178) | (501) |
| Poor/ Very Poor | 4%<br>(52) | 5%<br>(94) | 21%<br>(53) | (199) |
| Totals | (431) | (563) | (611) | (1,605) |
| | Missing information | | | 19 |
| | Total number of cases | = | | (1,624) |

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* Note on how to read table 4.5: The percentages show the percentage of inmates granted parole who fell into the category indicated by the intersection of a column and a row. The percentages do not add up to 100. The numbers in parentheses show the total number of inmates who fell into the category indicated by a column-row intersection.

The sorting procedures used in the North Carolina study (Chapter 3, page 51) were then used to achieve the following objectives: 1) to derive decision rules covering marginal cases, 2) to classify cases according to known decision rules, and 3) to structure the order in which the categories were to be considered. An examination of the salient factors listed by board members on the case evaluation form revealed four factors consistently associated with parole denial: work release failure, escape, parole violation, and an unfavorable psychological report. Cases in these categories were removed from the sample.

Cases in categories covered by the tentative decision rules were now sorted out of the sample, i.e., those with 1) poor/very poor institutional discipline ratings; and 2) good/very good institutional discipline ratings combined with no/minor prior criminal record ratings.

Cases governed by decision rules totalled 645, or 40 percent of the sample. To clarify Board policy concerning the remaining cases, the data was examined from a new perspective. Although the number of months served was only negligibly correlated with the grant/deny decision, it was hypothesized that as time served increased, the weight attached to prior criminal record would decrease and that attached to institutional discipline would increase. It was positive that a useful measure of time served was not the actual number of months served, but the number of prior hearings.

As anticipated, the data (Table 4.6) showed that the Board's orientation changed from first to second and later hearings. At first hearings, in making decisions regarding marginal cases, the Board seemed to be primarily concerned with prior criminal record. At second and later hearings, however, more emphasis seemed to be placed on institutional discipline. This shift in emphasis in particularly marked with regard to inmates with serious/extensive prior criminal record ratings, with the paroling rate for this category rising from 23 percent at first hearings to 56 percent at second and later hearings.

These distributions suggested that time served, as reflected in the number of prior hearings, had a bearing on the Board's decisions. No category in the table, however, had a paroling rate which met the 80 percent criterion for establishing an additional decision rule.

Sixty percent of the decisions in the sample still remained unaccounted for. It seemed possible that the apparent absence of a major effect could be attributed to the action of minor effects brought about by variation in the

## Table 4.6

### Percentage of Inmates Granted Parole, Distributed According to Categories and Hearings

| Categories | Hearings | | |
|---|---|---|---|
| | First | Second and Later | Total |
| A: Basic Considerations and Very Poor/Poor Discipline | 4%<br>(90) | 8%<br>(176) | (266) |
| B: Very Good/Good Discipline and No/Minor Record | 82%<br>(260) | 88%<br>(110) | (370) |
| C: Adequate Discipline and No/Minor Record | 61%<br>(104) | 69%<br>(64) | (168) |
| D: Very Good/Good Discipline and Moderate Record | 50%<br>(139) | 73%<br>(125) | (264) |
| E: Adequate Discipline and Moderate Record | 30%<br>(105) | 43%<br>(58) | (163) |
| F: Extensive/Serious Record | 23%<br>(192) | 56%<br>(192) | (384) |
| All Cases | 48%<br>(890) | 52%<br>(725) | (1,615) |
| | Paroled to detainer | | (9) |
| | N | = | (1,624) |

Note on how to read Table 4.6: The percentages show the percentage of inmates granted who fell into the category indicated by the intersection of a column and a row. The percentages do not add up to 100. The numbers in parentheses show the total number of inmates who fell into the category indicated by a column-row intersection.

paroling rates and policies of the individual board members. When these paroling rates were calculated (Table 4.7), they showed considerable variation according to board member. Although the overall rate for the Board was 50 percent, the paroling rate for board members ranged from 38 percent for one board member to 60 percent for another. When the paroling rate of board members was viewed as a function of the inmate's category and the number of hearings, a further decision rule emerged. It was found that there was a marked degree of consensus concerning the parole of inmates with serious/extensive prior criminal record ratings. At first hearings, three board members paroled well under 20 percent of inmates in this category. The fourth board member, unlike his colleagues, paroled 41 percent of inmates in this category. In fact, 82 percent of the inmates with serious record ratings paroled at first hearings were paroled by the fourth board member. A study of the board members' ratings of prior criminal record suggested that this deviation might arise from a difference in rating policy. The fourth board member rated 37 percent of the 456 inmates he interviewed as having a serious prior criminal record. Only 19 percent of the inmates in the remainder of the sample of 1,159 received a "serious" rating. The size and randomness of the sample increased the probability that each board member interviewed a representative cross-section of the total sample. It seemed likely, therefore, that the fourth board member had perceived as "serious" the records of inmates his colleagues would have rated "moderate." It was possible that he paroled a high proportion of candidates in this group because they were actually better parole prospects than their "serious" rating reflected. It seemed that, for the majority of the board members, it was policy to deny parole to inmates with serious record ratings at first hearings. This finding was embodied in a decision rule, with the understanding that the subjectivity represented by this variation would be discussed with the Board and reduced through the use of the guidelines and operational definitions. No other decision rules emerged from a study of the remaining data.

It seemed probable that the data collection instrument had not elicited sufficient information to illuminate all aspects of the Board's policy. Comprehensive guidelines could not be prepared on the basis of the results of the analysis of the first sample.

## Formulation of Case Evaluation Form: Phase II

Guidelines were designed incorporating the decision rules, following a screening model and employing a question-

Table 4.7

Percentage of Inmates Granted Parole, Distributed According to Board Member, Before and After Implementation of Guidelines

| | Board Members | | | | | |
|---|---|---|---|---|---|---|
| | A | B | C | D | Totals | $\chi^2$<br>d.f.=3 |
| **Phase I:**<br>Original data collection | 38%<br>(454) | 47%<br>(320) | 57%<br>(456) | 60%<br>(345) | 50%<br>(1,615) | 26.724<br>$p < .001$ |
| **Phase II:**<br>Second case evaluation form | 49%<br>(112) | 47%<br>(95) | 39%<br>(98) | 53%<br>(81) | 47%<br>(386) | 2.161<br>n.s. |
| **Phase III:**<br>Preliminary guidelines | 52%<br>(184) | 52%<br>(106) | 53%<br>(133) | 56%<br>(140) | 53%<br>(563) | 0.337<br>n.s. |
| **Phase IV:**<br>Guidelines with operational definitions of prior criminal record and institutional discipline | 47%<br>(158) | 46%<br>(134) | 53%<br>(144) | 55%<br>(137) | 50%<br>(573) | 2.003<br>n.s. |

naire format. Like the North Carolina guidelines, they dealt sequentially with basic considerations and with categories of cases governed by decision rules.

The second half of the form was used to elicit more information concerning marginal cases. This data collection section consisted of checklists of 27 negative and positive factors relating to the inmate. These items were derived from frequently noted comments by board members provided under the salient factors section on the Phase I evaluation form. They fell into five broad categories: factors relating to the inmate's prior criminal record, present offense, prison conduct, personal attributes, and post-release situation. Some factors had been mentioned in the salient factor section in connection with the decision to deny parole, some in connection with the decision to grant parole, and some in connection with both. Since the instrument was being developed for data collection purposes only, no specific decision rules were provided; that is, the factors were selected because they would elicit information, not because they were necessarily representative of the Board's major decision-making criteria.

These partial guidelines[2] provided decision rules for 52 percent of the cases in the sample. When the Board's decisions for the cases which fell within the guideline categories were compared with the decision rules, they agreed in 85 percent of the cases.

## Phase II: Second Data Collection

In a meeting with the research staff in January, 1976, the Board approved the new data collection instrument and suggested some minor changes. The Board confirmed that the decision rules that had been identified were essentially accurate reflections of their paroling policies. In discussing the parole of inmates in marginal categories, the Board members agreed that many factors in addition to prior criminal record and institutional discipline entered into their decisions and that these factors had not been adequately tapped by the original data collection instrument. After examining the data collection section of the preliminary guidelines, the board members expressed their belief that the positive and negative factors listed would serve to clarify their policy.

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[2] See final guidelines (Figure 4.5). The instruments were the same, except that the preliminary guidelines did not include decision rules governing the parole of inmates in marginal categories.

The Board also agreed that it would be desirable to have standardized definitions of institutional discipline ratings and prior criminal record ratings, to promote consistency. In discussing the design of the data collection instrument for these two dimensions, the board members explained that the Department of Corrections classified infractions into five categories. In evaluating the inmate's record along this dimension, the Board explained that they were influenced by the number, seriousness, and recency of infractions.

In evaluating the inmate's prior criminal record, the board members said they considered whether an offense had been against property or persons, committed when the inmate was an adult or a juvenile, or was a misdemeanor or a felony. They were also concerned with the number of offenses in each of these classes. A data collection instrument to reflect these rating systems was incorporated into the guidelines (Figure 4.2).

## Analysis of Phase II Data: Further Guideline Development

The Phase II sample contained 386 case evaluation forms, with a paroling rate of 47 percent. Seventy-one percent of the sample, or 273 of these cases, fell within categories governed by guideline decision rules. For these 273 cases, 86 percent of the board member decisions were consistent with the guideline decision rules. This indicated that the decision rules developed on the basis of the Phase I data accurately reflected Board policy.

The Board's decisions regarding inmates in marginal categories were examined through an analysis of reponses to the factor checklist. This study showed that:
1) inmates with no negative factors were granted parole,
2) inmates with no positive factors were denied parole, and
3) inmates with one or more favorable factors were granted parole regardless of the number of negative factors.
Eighty-one percent of board member decisions were consistent with these rules, which were then translated into guideline decisions. It appeared from this examination of the data that the Board was not actually weighing favorable against unfavorable factors; in several instances, the inmate was paroled with numerous unfavorable factors, but only one countervailing favorable factor.

In this second sample, the paroling rate among board members ranged from 39 percent to 53 percent (Table 4.7, page 84). This range was smaller by eight percentage points than that found in Sample I. It was possible that this increased consistency had been fostered by the appli-

## Virginia Parole Board
## Data Collection Instrument for Operational Definitions

*Please fill in the following scales. In the space beneath each scale write in the facts about the case which support your rating. For example, if you circled VERY POOR on the institutional discipline scale, write in the number and type of infractions and the time period considered. The same procedure is to be followed for prior criminal record. Indicate the number and type of prior convictions.*

**INSTITUTIONAL DISCIPLINE** VERY POOR - POOR - ADEQUATE - GOOD - VERY GOOD

| Infractions: | Number | Dates |
|---|---|---|
| Category I | | |
| Category II | | |
| Category III | | |
| Category IV | | |
| Category V | | |
| | + | |
| Total: | | |

**PRIOR CRIMINAL RECORD** NONE - MINOR - MODERATE - SERIOUS - EXTENSIVE

| | Convictions | | |
|---|---|---|---|
| Type of Offense: | Number of Misdemeanors | Number of Felonies | Row Totals |
| Person | | | |
| Property | | | |
| Other | | | |
| Juvenile | | | |
| | + | + | + |
| Column Totals: | | | |

*Figure 4.2: Data Collection Instrument*

cation of decision rules to specific categories. In addition, the list of favorable and unfavorable factors might have contributed to this result by focusing the board members' attention on the same specific factors and requiring them to record which factors had influenced their decisions.

The analysis of this sample had provided decision rules governing all categories of inmates, permitting the formulation of guidelines. Figure 4.5 shows the guidelines as they appeared after operational definitions had been devised.

When board member decisions in Sample II were compared with those indicated by the decision rules on the new, more comprehensive guideline form, 83 percent were within the guidelines.

The data supplied on prior criminal record were studied so that operational definitions could be developed; however, no clear patterns emerged. The data contained too many variables in proportion to the number of cases, providing too few cases in any one category to furnish a basis for drawing conclusions and establishing decision rules. Furthermore, the absence of a pattern suggested that the data collection instrument might have failed to elicit some relevant information; for example, the length of the inmate's prior sentences to incarceration.

It seemed possible that operational definitions could be developed for the Virginia Board more efficiently by using the data collection form designed for the North Carolina system. This change of strategy was discussed with and approved by the Virginia Board chairman. The revised instrument was incorporated into the guidelines.

The data collection instrument for an operational definition of the institutional discipline rating was left unchanged. Analysis of this factor was deferred until receipt of the next sample.

## Phase III Data Collection and Analysis

The third sample contained 563 cases, with an overall paroling rate of 53 percent. The variation in paroling rate among board members had been reduced to a mere 4 percent (Table 4.7, page 84 ). This reduction in variation could be attributed to the consistency promoted by the provision of guideline decision rules for all categories of inmates. Eighty-eight percent of decisions for this sample were within the guidelines. When board members made decisions outside the guidelines, they recorded reasons for these actions.

## Operational Definitions

The technique employed for the North Carolina data was used to analyze the Board's prior criminal record ratings and the supporting data. Here, too, the prior criminal record rating proved to be an index based on fines and the total number of years of incarceration previously imposed on the inmate. The Board also seemed to be taking into consideration suspended sentences, reprimands, and probations. The operational definitions could have been designed to reflect these additional factors, thus accomodating a higher percentage of cases; however, inclusion of these factors would have made the rating system complex and time-consuming. As anticipated, operational definitions based solely on the number of fines and the length of sentences to incarceration (Figure 4.3) provided only a moderate "fit" with the data. When the Board's ratings were compared with the guideline ratings, they agreed in only 66 percent of the cases. The decision was made, however, to begin with a system based on two factors, with the understanding that it could be expanded if it proved unsatisfactory. The board members were advised that they could go outside the guidelines to take into consideration these additional mitigating and aggravating factors. In those cases, they were asked to specify the factors that influenced their rating.

The institutional discipline rating proved to be a function of the seriousness, the number, and the recency of infractions. The board member ratings of institutional discipline concurred with the operational definitions in 89 percent of the cases (Figure 4.4).

## Phase IV

The Phase IV sample, with 573 cases, had an overall paroling rate of 50 percent.

A study of the decisions showed that 84 percent were within the guidelines. When an analysis was made of the decisions of each board member, it was found that the percent of decisions inside the guidelines varied from 82 percent to 86 percent (Table 4.8). It was apparent that the board members had achieved a reasonable degree of consistency among themselves, while exercising discretion in applying the guidelines to individual cases. These results indicated that in Virginia the project had now achieved its major objective: to promote consistency in decision-

## Virginia Parole Board

## Prior Criminal Record Classification

*Add together all* ***maximum sentences*** *(juvenile and adult) on which the inmate actually served prison or jail time. Each committment to a training school is equivalent to a one-year sentence. Exclude the present offense, suspended sentences, probation, arrests not followed by convictions, and juvenile status offenses.*

Guideline definitions of Prior Criminal Record:

NO record: no previous convictions.

MINOR record:

1) Fines and court costs only; or
2) Maximum active sentences* totalling no more than 18 months; or
3) Maximum active sentences* totalling no more than 6 months, if the inmate has fines and court costs in addition to active sentences on his record.

MODERATE record:

1) Maximum active sentences* totalling more than 18 months, but no more than 6 years; or
2) Maximum active sentences* totalling more than 6 months, but no more than 5 years, if the inmate has fines and court costs in addition to active sentences on his record.

SERIOUS record:

1) Maximum active sentences* totalling more than 6 years; or
2) Maximum active sentences* totalling more than 5 years, if the inmate has fines and court costs in addition to active sentences on his record.

*The Board member may go outside the guidelines to take into consideration mitigating factors, or aggravating factors such as probations, suspended sentences, reprimands, and the seriousness or frequency of the offenses.*

*An active sentence is a sentence on which the inmate actually served prison or jail time.

*Figure 4.3: Prior Criminal Record Classification*

Virginia Parole Board

Institutional Discipline Classification

*Include only infractions committed during the past year.*

Guideline definitions of Institutional Discipline:

GOOD discipline:

1) No infractions during the last 6 months.
2) No more than 1 infraction during the last year.
3) No infractions in Category I.

ADEQUATE discipline:

1) No more than 1 infraction during the last 6 months.
2) No more than 3 infractions during the last year.
3) No more than 1 infraction in either Category I or II during the last year.

POOR discipline:

1) Two or more infractions during the last 6 months.
2) Four or more infractions during the last year.
3) Two or more infractions classified as Category I or II.

*The Board member may go outside the guidelines to take into consideration mitigating factors, or aggravating factors, such as escapes, crimes committed in prison, and infractions over a year old.*

*Figure 4.4: Institutional Discipline Classification*

## Table 4.8

### Distribution of Decisions Inside and Outside the Guidelines in the Phase IV Sample (N = 573)

| | Decisions | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Inside Guidelines | | | | Outside Guidelines | | | | Overall | | |
| Board Members | Grant | Deny | Total | Percentage of decisions inside Guidelines | Grant | Deny | Total | Percentage of decisions outside Guidelines | Grant | Deny | Total |
| A | 49% (66) | 51% (70) | (136) | 86 | 36% (8) | 64% (14) | (22) | 14 | 47% (74) | 53% (84) | (158) |
| B | 51% (56) | 49% (54) | (110) | 82 | 21% (5) | 79% (19) | (24) | 18 | 46% (61) | 54% (73) | (134) |
| C | 63% (74) | 37% (44) | (118) | 82 | 8% (2) | 92% (24) | (26) | 18 | 53% (76) | 47% (68) | (144) |
| D | 59% (69) | 41% (47) | (116) | 85 | 29% (6) | 71% (15) | (21) | 15 | 55% (75) | 45% (62) | (137) |
| Total | 55% (265) | 45% (215) | (480) | 84 | 23% (21) | 77% (72) | (93) | 16 | 50% (286) | 50% (277) | (573) |

making by structuring discretion without eliminating it.

The paroling rate by board member varied by nine percentage points from 46 to 55 percent (see Table 4.7, page 84). When the data regarding operational definitions were studied, it was found that they provided a satisfactory tool for the board for rating inmates along the two major guideline dimensions. Board member ratings were consistent with the guideline ratings of prior criminal record and institutional discipline in, respectively, 94 and 98 percent of the cases.

## Implementation of the Guidelines

The Virginia Board has discussed the use of the guidelines for two purposes. First, the guidelines now serve as a continuing reference and supply a summary of Board policy and criteria. Second, the Board could, if resources were available, complete guideline forms on every case during three consecutive months in every year. The results of this data collection could be used to identify changes in Board decision-making practices and as the basis for reviewing and evaluating Board policy. It would be anticipated that the guidelines would be modified periodically to incorporate appropriate changes. This plan could provide a self-regulating mechanism consistent with the philosophy that guidelines should be adjusted to reflect the changing environment. Unfortunately, the Board's financial resources, staff limitations, and workload are such that the plan for use of the guidelines to monitor, evaluate, and revise paroling policy has not yet been implemented.

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Figure 4.6 is a policy statement composed by the research staff.

Virginia Parole Board
Guidelines
(Do not use for inmates with sentences over 30 years.)

PRIOR CRIMINAL RECORD

*Guideline rating:* ____________ *Board Member rating:* ____________

*For a rating outside the guidelines, please indicate the reasons:*

______________________________________________________________

INSTITUTIONAL DISCIPLINE

*Guideline rating:* ____________ *Board Member rating:* ____________

*For a rating outside the guidelines, please indicate the reasons:*

______________________________________________________________

*In completing this form, please use Board Member ratings for prior criminal record and institutional discipline.*

| | YES | NO |
|---|---|---|
| A. Has the inmate | | |
| 1. Failed on work release during the last year? | ___ | ___ |
| 2. Escaped during the last year? | ___ | ___ |
| 3. Violated probation or parole during the last 2 years? | ___ | ___ |
| 4. Received an unfavorable psychiatric or psychological report during the last 6 months? | ___ | ___ |
| *If any answers were YES, deny parole. If all answers were NO, continue to B.* | | |
| B. Does the inmate have POOR institutional discipline? *If YES, deny parole. If NO, continue to C.* | ___ | ___ |
| C. Does the inmate have GOOD institutional discipline combined with a MINOR or NO prior criminal record? *If YES, parole. If NO, continue to D.* | ___ | ___ |
| D. Does the inmate have a SERIOUS prior criminal record? *If YES, continue to E. If NO, skip to F.* | ___ | ___ |
| E. (Only for inmates with a SERIOUS prior criminal record) Is the inmate at his first hearing? *If YES, deny parole. If NO, continue to F.* | ___ | ___ |

*Figure 4.5: Guidelines*

F. Do the following UNFAVORABLE factors apply to the inmate?
*Please check all factors YES or NO.*

| | YES | NO |
|---|---|---|
| 1. Factors relating to the inmate's prior criminal record: | | |
| a. Habitual offender | ___ | ___ |
| b. Serious juvenile record | ___ | ___ |
| c. Short time between offenses | ___ | ___ |
| d. Professional criminal | ___ | ___ |
| 2. Factors relating to the present offense: | | |
| a. Bizarre nature of the offense | ___ | ___ |
| b. Lack of provocation | ___ | ___ |
| c. Relatively high degree of sophistication shown in the crime | ___ | ___ |
| 3. Factors relating to conduct in the institution: | | |
| a. Pattern of assaultive behavior | ___ | ___ |
| b. Rebellious, hostile | ___ | ___ |
| 4. Factors relating to the inmate personally: | | |
| a. No remorse, does not understand nature of the offense | ___ | ___ |
| b. Anti-social attitude | ___ | ___ |
| c. Alcohol or drug habit so serious as to raise questions as to the probability of his succeeding on parole | ___ | ___ |
| d. Incapable of coping with situations realistically | ___ | ___ |

*If any checks were YES, continue to G. If all checks were NO, parole.*

*Figure 4.5: Guidelines (continued)*

G. Do the following FAVORABLE factors apply to the inmate?
*Please check all factors YES or NO.* YES NO

1. Factors relating to the present offense:
   - a. Self-defense ___ ___
   - b. Defense of helpless person ___ ___
   - c. Acting under provocation ___ ___
   - d. Diminished responsibility because of retardation or intoxication ___ ___
   - e. Minor role in the offense ___ ___

2. Factors relating to conduct in the institution:
   - a. Good adjustment ___ ___
   - b. Good response to prison programs ___ ___
   - c. Recent good conduct ___ ___
   - d. Unusually helpful to authorities ___ ___

3. Factors relating to the inmate's condition (disabled, aged, terminally ill, debilitated) ___ ___

4. Likely to max out and needs supervision ___ ___

5. Factors relating to the post-release situation:
   - a. Probation to follow ___ ___
   - b. Specialized program to follow ___ ___

*If any checks were YES, parole. If all checks were NO, deny parole.*

*Decision:* *Parole:* ________________ *Deny parole:* ____________

*For a decision outside the guidelines, please indicate the reasons:*

*Inmate was paroled/denied parole because* ______________________

______________________________________________________________

______________________________________________________________

Date: ____________________ Board Member: ________________

*Figure 4.5: Guidelines (continued)*

## Policy Statement Concerning the Parole Decision**

The Virginia Parole Board uses the following seven major criteria in determining whether to grant or deny parole:

1) Seriousness of the Offense: It is the policy of the Board to take into consideration the nature and circumstances of the offense to determine whether the inmate has served sufficient time for the purposes of retribution and general deterrence. In assessing the seriousness of the offense, the Board will be guided by the official version of the offense and the length of the sentence imposed. The Board will also consider a number of mitigating and aggravating factors, including the inmate's motivation for committing the offense, his/her role in the offense, the amount of loss and/or injury to the victim, and the degree of sophistication evidenced in the offense. The Board is particularly concerned with offenses which involved a weapon and/or physical injury or possible injury to the victim. The Board is also concerned with crimes of a repetitive nature, such as a series of burglaries, or drug sales which reflect extensive involvement in crime-oriented activities. In general, it is not Board policy to deny parole *solely* on the basis of the nature and circumstances of the offense; there are, however, certain instances where denial on this basis alone is required.

2) Prior Criminal Record: The evaluation of the prior criminal record plays a significant role in the decision-making process. In evaluating the inmate along this dimension, the Board will consider both the inmate's prior adult and juvenile records in order to determine the degree of his/her past involvement in crime-oriented activities. The Board is primarily concerned with the number and seriousness of the inmate's *convictions*. In most instances, the length and seriousness of the arrest record will not be used in determining the prior record rating; however, when there is evidence that the inmate has had numerous arrests, this factor will be used to increase the seriousness of the prior criminal record rating.

Since the evaluation of this factor is weighted heavily in the decision-making process, the Board has developed the following guidelines for evaluating the seriousness of the prior criminal record. These ratings are based primarily on a weighting of fines and the length of prior sentences to incarceration. It is important to note that these ratings do not include the *present* offense

*Figure 4.6*

*Policy Statement Concerning the Parole Decision* and that commitment to a training school will be considered as equivalent to a one-year sentence.

Prior criminal record is defined as follows:

NO record: no previous convictions.

MINOR record:
1) Fines and court costs only; or
2) Maximum active sentences* totalling no more than 18 months; or
3) Maximum active sentences* totalling no more than six months, if the inmate has fines and court costs in addition to active sentences on his record.

MODERATE record:
1) Maximum active sentences* totalling more than 18 months, but no more than six years; or
2) Maximum active sentences* totalling more than six months, but no more than five years, if the inmate has fines and court costs in addition to active sentences on his record.

SERIOUS record:
1) Maximum active sentences* totalling more than six years; or
2) Maximum active sentences* totalling more than five years, if the inmate has fines and court costs in addition to active sentences on his record.

* An active sentence is a sentence on which the inmate actually served prison or jail time.

The Board reserves the right to go outside these guidelines to take into consideration mitigating factors, or aggravating factors such as probations, suspended sentences, arrests, and the seriousness or frequency of the offenses.

In most instances, parole will be denied to inmates at first parole eligibility who have a prior criminal record rating of "serious."

3) Community Supervision: The Board places considerable emphasis on the inmate's adjustment to previous periods of probation and/or parole supervision. Recent failure on community supervision is interpreted as a sign that the prospective parolee is not ready to comply with parole conditions. It is therefore

*Figure 4.6*

*Policy Statement Concerning the Parole Decision (continued)*

the policy of the Board to deny parole to inmates who have violated probation or parole within the last *two* years.

4) Institutional Discipline: The Board believes that one of its responsibilities is to maintain order in correctional facilities by denying parole to inmates who have failed to comply with institutional rules. Since this factor plays an important role in the decision-making process, the Board has defined three disciplinary classifications which incorporate the six categories of infractions in use by the Department of Corrections. It should be noted that these classifications are based on infractions committed *within the last year*.

Institutional discipline classifications are as follows:

GOOD discipline:
1) No infractions during the last six months.
2) No more than one infraction during the last year.
3) No infractions in Category I.

ADEQUATE discipline:
1) No more than one infraction during the last six months.
2) No more than three infractions during the last year.
3) No more than one infraction in either Category I or II during the last year.

POOR discipline:
1) Two or more infractions during the last six months.
2) Four or more infractions during the last year.
3) Two or more infractions classified as Category I or II.

The board members may go outside these guidelines to take into consideration mitigating factors, or aggravating factors such as escapes, crimes committed in prison, and infractions over a year old.

5) Escape: It is Board policy to deny parole to an inmate who has either escaped *within the last year*, or who has been on escape and who has been returned to the institution within the last year.

6) Program Participation: The Board will consider information pertaining to the degree of the parole candidate's participation in and response to the educational, vocational, rehabilitative, and other programs available in the correctional facility. The Board is particularly concerned with the subject's performance

*Figure 4.6*

*Policy Statement Concerning the Parole Decision*
*(continued)*

on work release. It is Board policy to deny parole to inmates who have failed on work release *in the last year*. Failure in this program is interpreted as a sign that the parole candidate is unlikely to comply with parole conditions.

7) Factors related to Personal History of the Subject: In evaluating the parole candidate on this dimension, the Board will consider information pertaining to the inmate's civilian work record, level of education, occupational skills and family ties. In addition, the Board will consider whether the subject has a history of drug or alcohol abuse which may seriously decrease the likelihood that he/she will succeed on parole. Although the Board does not routinely request a psychological report on all candidates, there are certain cases where such a report is deemed appropriate. In most instances, parole will be denied to an inmate who has received an unfavorable psychiatric or psychological evaluation *within the last six months*.

Although the Board considers each case on its individual merits, there are several policies which determine the ways in which the parole criteria are applied in the decision-making process. It is the policy of the Board to *deny* parole to candidates who have conformed to any one of the following categories:

1) Failed on work release during the last year;
2) Escaped or returned from escape within the last year;
3) Violated probation or parole during the last *two* years;
4) Received an unfavorable psychiatric or psychological report within the last *six* months;
5) A "poor" institutional discipline rating; *or*
6) A "serious" prior record rating *and* who are at their first parole eligibility.

It is the policy of the Board to grant parole to inmates who have conformed to all of the following categories:

1) Served sufficient time for the purposes of retribution and general deterrence;
2) A "no" or "minor" prior record rating; *and*
3) A "good" institutional discipline rating.

In the case of marginal parole candidates -- that is, inmates whose cases are not decided within the above-mentioned guidelines -- the Board will also consider several favorable and unfavorable factors about the case:

*Figure 4.6*

*Policy Statement Concerning the Parole Decision (continued)*

Unfavorable factors:

1. Factors relating to the inmate's prior criminal record:
    a. Habitual offender
    b. Serious juvenile record
    c. Short time between offenses
    d. Professional criminal
2. Factors relating to the present offense:
    a. Bizarre nature of the offense
    b. Lack of provocation
    c. Relatively high degree of sophistication shown in the crime
3. Factors relating to conduct in the institution:
    a. Pattern of assaultive behavior
    b. Rebellious, hostile
4. Factors relating to the inmate personally:
    a. No remorse, does not understand nature of offense
    b. Anti-social attitude
    c. Alcohol or drug habit so serious as to raise questions as to probability of his succeeding on parole
    d. Incapable of coping with situations realistically

Favorable factors:

1. Factors relating to the present offense:
    a. Self-defense
    b. Defense of helpless person
    c. Acting under provocation
    d. Diminished responsibility because of retardation or intoxication
    e. Minor role in the offense
2. Factors relating to conduct in the institution:
    a. Good adjustment
    b. Good response to prison programs
    c. Recent good conduct
    d. Unusually helpful to authorities
3. Factors relating to the inmate's condition:
    a. Physically disabled
    b. Extremely aged
    c. Terminally ill
    d. Debilitated; further incarceration will serve no useful purpose
4. Likely to max out and needs supervision
5. Factors relating to the post-release situation:
    a. Probation to follow
    b. Specialized program to follow

*Figure 4.6*

*Policy Statement Concerning the Parole Decision (continued)*

It is the policy of the Board to grant parole when none of the above unfavorable factors are evident in the case. In cases where one or more unfavorable factors are present, it is Board policy to grant parole only if there are one or more outstanding factors which can serve to counterbalance the unfavorable factors.

**This policy statement has *not* been adopted by the Board. It is shown for illustrative purposes *only*.

*Figure 4.6*

*Policy Statement Concerning the Parole Decision (continued)*

# Chapter 5

# LOUISIANA

Colleen A. Cosgrove and Jane Wallerstein

## Board Structure and Procedure

The Louisiana Board of Parole is composed of five full-time board members, including a chairperson. In this state, the judge sets the maximum sentence within the statutory limits provided for the offense. Inmates are eligible for parole at the expiration of one-third of that maximum. Inmates are credited with good time at the rate of 25 days a month; therefore, the maximum sentence may be reduced by almost one-half. The Board, which has jurisdiction over all felons committed to the Department of Corrections, considers about 2,400 cases a year.

All five board members sitting as a panel interview the prospective parolee. A majority affirmative vote is required for parole. If the inmate is denied parole, the case will be reheard in a year.[1] It is the practice of the Board to discuss the decision with the parole candidate at the time of the interview.

## Data Collection

Members of the research team met with the Parole Board in April, 1975, to discuss the overall objectives of the project and the research strategy. The Board members said that in their decision-making process they took into consideration a number of factors relating to the inmate's prior criminal record, institutional adjustment, and parole plans.

Their major reasons for parole denial were listed on a form (Figure 5.1) given to inmates following a negative Board decision.

In reviewing the suggested case evaluation form, members of the Board said the form included some of their

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[1] This policy, which was in effect during the data collection period, was changed in July, 1976. Now, cases are not automatically scheduled for rehearing within a year. The Board may decide to rehear the case within a year, after a longer interval, or not to rehear the case at all.

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## Louisiana Parole Board Decision Form
(Excerpt)

________ Original Crime(s)

________ Police and/or Juvenile Record

________ Prior Felony Conviction(s)

________ Previous Probation

________ Parole Violator

________ Psychological and/or Psychiatric Report

________ No Parole Plan

________ Crimes Committed While in the Institution

________ Institutional Disciplinary Reports

________ Lost Good Time

________ Not in First Class Performance

________ Escape

________ Violation of Work Release Agreement

________ Additional Charges Pending

________ Law Enforcement Officials Object

________ Other ________________________________________________

________________________________________________________

*Figure 5.1: List of Reasons for Parole Denial used by Board Members (excerpted from Louisiana Parole Board Decision Form)*

paroling criteria, but did not adequately reflect all the factors they were taking into consideration. They explained that a large proportion of their caseload consisted of inmates who were technically first offenders in that they were serving time for their first felony conviction. Many of these "first offenders," however, had extensive juvenile records. Thus, the Board drew a distinction between "first offenders" with long juvenile records and "first offenders" without juvenile records. The Board therefore requested that a scale pertaining to juvenile record be added to the data collection form, because a single criminal record scale, they believed, would underestimate the extent of many inmates' prior criminal involvement.

The board members explained that they were very much concerned with the inmate's probability of recidivating and considered a number of factors related to this dimension. They regarded the inmate's previous response to community supervision as an important predictor of future behavior on parole. They took into account whether the inmate was a transient or a native of Louisiana; it was their belief that a native of the state was more apt to have family and community ties and hence would be easier to supervise and more likely to establish a stable residence.

The board members explained that it was their practice to solicit the opinions of the sentencing judge and local law enforcement officials about the inmate whose parole was being considered. The Board said they had found that these opinions and evaluations of the inmate provided information about the case which might not be present in the case file. The board members said they were reluctant to parole someone to a community which objected to his release, because they believed this opposition would diminish his chances of succeeding on parole. On the other hand, they favored the parole of inmates who would have community resources and support available after release. These additional concerns were incorporated as separate scales into the basic data collection form (see Appendix C).

The Board's procedure, with five members sitting as a panel, provided a good opportunity for conducting a small study, primarily of academic interest, of the paroling patterns of the board members as individuals and as a group. If a case evaluation form were completed by each board member on each case, these forms could then be compared to study patterns of consensus and dissensus. Since all the board members would be evaluating the same case, differences in the ratings and decisions could reasonably be attributed to differences in individual perceptions and paroling standards. To obtain these data, it was agreed that each board member would complete a case evaluation form on every inmate appearing before the Board.

After two months of data collection, this procedure proved burdensome and time-consuming for the Board. It was agreed that for the remainder of the data-collection period, the Board would fill out one form per case. Since the number of cases collected at that point was too few to support a study of board member consensus and dissensus, this line of inquiry was not pursued.

## Analysis

The Phase I sample included 1,381 forms, representing 415 cases. The paroling rates did not differ significantly ($\chi^2 = .19$, d.f. = 1) when the data were analyzed as either forms or cases (rates were 38 percent and 41 percent, respectively). This suggested that it was reasonable to draw from both sources to identify Board policy.

The first step in the analysis was to review the product-moment correlation matrix to determine the overall relations among the variables. The matrix was based on the 1,381 forms, treated as separate units (Table 5.1).

The variables represented in the correlation matrix seemed to fall into three categories: those relating essentially to the inmate's criminal record (juvenile record, prior supervision record, prior criminal record, assaultiveness, the seriousness of the present offense, and offender class); to institutional behavior (institutional discipline and program participation); and to the post-release situation (community attitude, parole plan, police objections, judicial objections, and perceived social stability).

In the first category, only prior criminal record was substantially related to the decisions ($r_{pb} = .50$). The two variables in the second category were only moderately related to the decisions (.36 and .34), but were substantially intercorrelated (.61). The variables in the third category were for the most part substantially related to the decisions and fairly highly intercorrelated. The variables in this group were primarily those which the Board had added to the form and had indicated figured importantly in their decisions.

An analysis using regression techniques (Table 5.2) provided an equation yielding a multiple correlation co-

Table 5.1

Correlation of Ratings and Decisions by the Louisiana Board of Parole (N = 1,381)

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. Decision * | | 1239 | 886 | 1097 | 958 | 1207 | 1228 | 1163 | 1251 | 1269 | 1211 | 1264 | 1154 | 1168 | 1110 | 972 | 823 | 620 |
| 2. Seriousness | -.26 | | 945 | 1142 | 993 | 1263 | 1284 | 1210 | 1292 | 1329 | 1265 | 1325 | 1209 | 1217 | 1157 | 1014 | 864 | 656 |
| 3. Parole Prognosis | .58 | -.26 | | 780 | 668 | 901 | 914 | 834 | 906 | 944 | 881 | 939 | 845 | 864 | 801 | 678 | 837 | 630 |
| 4. Institutional Discipline | .36 | -.22 | .30 | | 989 | 1119 | 1134 | 1100 | 1148 | 1169 | 1125 | 1165 | 1080 | 1070 | 1032 | 956 | 730 | 574 |
| 5. Program Participation | .34 | -.12 | .29 | .61 | | 973 | 988 | 955 | 1003 | 1018 | 981 | 1014 | 942 | 937 | 899 | 832 | 625 | 489 |
| 6. Assaultive Potential | -.39 | .59 | -.36 | -.26 | -.15 | | 1269 | 1196 | 1265 | 1304 | 1242 | 1301 | 1192 | 1196 | 1140 | 1011 | 842 | 646 |
| 7. Prior Criminal Record | -.50 | .15 | -.61 | -.19 | -.16 | .34 | | 1216 | 1286 | 1326 | 1264 | 1323 | 1203 | 1220 | 1158 | 1028 | 854 | 650 |
| 8. Social Stability | .50 | -.20 | .60 | .31 | .25 | -.34 | -.51 | | 1220 | 1250 | 1191 | 1246 | 1149 | 1150 | 1107 | 1000 | 791 | 624 |
| 9. Time Served | -.13 | .47 | -.18 | -.18 | .01 | .36 | .12 | -.14 | | 1337 | 1278 | 1332 | 1206 | 1225 | 1161 | 1033 | 850 | 644 |
| 10. Maximum Sentence | -.11 | .48 | -.15 | -.15 | .04 | .36 | .10 | -.12 | .97 | | 1311 | 1372 | 1243 | 1258 | 1193 | 1055 | 883 | 672 |
| 11. Number of Prior Hearings | -.05 | .23 | -.10 | -.16 | -.09 | .14 | .07 | -.10 | .51 | .38 | | 1306 | 1192 | 1197 | 1143 | 1067 | 828 | 632 |
| 12. Offender Class | -.31 | .01 | -.36 | -.02 | .01 | .08 | .52 | -.34 | .16 | .14 | .07 | | 1239 | 1255 | 1188 | 1052 | 877 | 668 |
| 13. Community Attitude | .59 | -.29 | .61 | .29 | .26 | -.34 | -.51 | .48 | -.18 | -.17 | -.12 | -.28 | | 1141 | 1102 | 971 | 805 | 617 |
| 14. Juvenile Prior Record | -.34 | .10 | -.41 | -.22 | -.19 | .23 | .33 | -.34 | .04 | .04 | -.05 | .09 | -.27 | | 1108 | 968 | 814 | 620 |
| 15. Parole Plan | .48 | -.16 | .46 | .29 | .25 | -.25 | -.39 | .52 | -.07 | -.06 | .00 | -.27 | .52 | -.18 | | 941 | 758 | 583 |
| 16. Prior Supervision Record | -.04 | -.05 | -.21 | .05 | .03 | -.04 | .21 | -.04 | -.03 | -.02 | -.02 | .14 | -.05 | .05 | -.07 | | 643 | 519 |
| 17. Police Objections | -.47 | .22 | -.48 | -.21 | -.13 | .37 | .44 | -.38 | .22 | .18 | .08 | .28 | -.52 | .30 | -.29 | .10 | | 645 |
| 18. Judicial Objections | -.25 | .07 | .25 | -.03 | .01 | .19 | .24 | -.30 | .18 | .16 | -.02 | .24 | -.30 | .13 | -.17 | -.01 | .49 | |

* Column 1, Point biserial correlation coefficients, Dichotomous variable: Parole = 1, Deny = 0
Columns 2-18, Pearson's product-moment correlation coefficients. Numbers of cases are shown above the main diagonal; correlations below. Coefficients underlined significant at .01.

## Table 5.2

## Regression of Inmate Status Variables and Board Member Ratings on Parole Decision (Grant/Deny) (N = 887)

| Variable | Multiple Correlation Coefficient | $R^2$ | Change in $R^2$ | Correlation Coefficient* | B | Beta |
|---|---|---|---|---|---|---|
| Prior Criminal Record | .52 | .27 | .27 | -.52 | -.010 | -.247 |
| Institutional Discipline | .58 | .34 | .07 | .38 | .009 | .169 |
| Parole Plan | .63 | .40 | .06 | .49 | .009 | .178 |
| Community Attitude | .68 | .46 | .06 | .58 | .021 | .318 |
| Constant | | | | | -.296 | |

* Point biserial correlation coefficients, with decision scored as parole = 1, deny = 0.

efficient of .68, with four independent variables. The first two variables entered into the equation accounted for most of the explained variation, mainly contributed by prior criminal record. The post-release factors, community attitude and parole plan, added notably to the equation, giving further confirmation of the importance of post-release factors in the Board's decision-making process.

Based on these findings, it seemed reasonable to proceed with the analysis of the data by using prior criminal record as a primary discriminator and factors relating to institutional discipline and the post-release situation as secondary criteria.

The next step in the analysis was to examine the crosstabulations for more detailed information on the relation among the prior criminal record rating, the institutional discipline rating, and the decisions, as seen from the perspective of both forms and cases (Tables 5.3 and 5.4).

In general, the patterns of distribution were similar in both tables. The slightly higher paroling rates for the samples when viewed as cases (Table 5.4) may be attributed to the suppression of minority votes to deny parole.

These crosstabulations suggested several decision rules reflecting what appeared to be Board policy:

1) Parole was usually granted to inmates with no or minor prior criminal record ratings, *combined with* institutional discipline ratings of adequate to very good.

2) Parole was customarily denied to inmates with moderate prior criminal record ratings combined with poor institutional discipline ratings.

3) It appeared that, in general, it was Board policy to deny parole to inmates with a serious prior criminal record rating. The slightly higher paroling rate for inmates with a serious prior criminal record rating and good/very good institutional discipline rating, shown on Table 5.4, was based on too few cases (18) to suggest that any important differences in Board policy were involved.

4) No decision rules were discernible governing the parole of inmates in the remaining categories: those with moderate prior criminal record ratings combined with

## Table 5.3

## Percentage of Louisiana Case Evaluation Forms Marked Granted, Distributed According to Prior Criminal Record and Institutional Discipline Ratings*

| Institutional Discipline Ratings | Prior Criminal Record Ratings | | | |
|---|---|---|---|---|
| | Serious/ Extensive | Moderate | No/Minor | Total |
| Good/Very Good | 17%<br>(63) | 77%<br>(61) | 91%<br>(61) | (191) |
| Adequate | 19%<br>(180) | 62%<br>(147) | 80%<br>(114) | (441) |
| Poor/Very Poor | 8%<br>(237) | 16%<br>(110) | 46%<br>(50) | (397) |
| Total | (480) | (318) | (231) | (1,029) |
| | Missing information | | | (352) |
| | Total number of forms in sample = | | | (1,381) |

* Note on how to read Table 5.3: The percentages show the percentage of inmates granted parole who fell into the category indicated by the intersection of a column and a row. The percentages do not add up to 100. The numbers in parentheses show the total number of inmates who fell into the category indicated by a column-row intersection.

## Table 5.4

### Percentage of Board Decisions to Grant Parole, Distributed According to Prior Criminal Record and Institutional Discipline Ratings*

| Averaged Institutional Discipline Ratings | Averaged Prior Criminal Record Ratings | | | |
|---|---|---|---|---|
| | Serious/ Extensive | Moderate | No/Minor | Total |
| Good/Very Good | 28% (18) | 79% (19) | 100% (28) | (65) |
| Adequate | 16% (73) | 70% (56) | 91% (33) | (162) |
| Poor/Very Poor | 5% (76) | 13% (38) | 50% (12) | (126) |
| Total | (167) | (113) | (73) | (353) |
| | Missing information | | | (62) |
| | Total number of forms in sample = | | | (415) |

* Note on how to read Table 5.4: The percentages show the percentage of inmates granted parole who fell into the category indicated by the intersection of a column and a row. The percentages do not add up to 100. The numbers in parentheses show the total number of inmates who fell into the category indicated by a column-row intersection.

adequate to very good institutional discipline, and those with no or minor prior criminal record ratings and poor or very poor institutional discipline ratings.

It seemed probable that the Louisiana decision process would lend itself to study through case-classification techniques involving successive sorting. This analysis was conducted, using forms grouped as cases. This approach had the advantage of fully exploiting the information available in the salient factor section. For example, one board member's comment that an inmate had completed work release might provide a needed explanation of the reasons for granting parole.

The data fell into three areas:

1) Cases governed by Basic Considerations, factors consistently associated with the decision to grant parole (i.e., work release completion), or to deny parole (e.g., work release failure, psychological problems, detainers pending). These constituted 23 percent of the sample (96 cases).

2) Cases governed by decision rules derived from the crosstabulations: 49 percent (205 cases).

3) Cases concerning marginal parole candidates, where the decisions seemed to be influenced by numerous factors pertaining to the inmate's pre-incarceration record, institutional behavior and post-release situation. It was not possible, however, to identify board policy governing the parole of inmates in this category. This situation was similar to that encountered during the analysis of the Phase I data in the Virginia study. In both instances, it was possible to conceptualize Board policy governing the parole of inmates in "extreme" categories, as determined by the interaction of prior criminal record and institutional discipline ratings alone. In the case of inmates in marginal cases, though, Board policy had to be conceptualized as being influenced by numerous variables covering a broad range of factors relating to the inmate.

Tentative guidelines based on these findings provided decision rules for 72 percent of the cases in the sample. In the 301 cases governed by decision rules, Board decisions were consistent with guideline decisions in 94 percent of the cases.

To identify Board policy concerning marginal candidates, a technique was used which had been successful in determining the policy of the Virginia Board. A checklist of positive and negative factors drawn from the salient factors section of the case evaluation form was appended to the guidelines.

## Development of Preliminary Guidelines: Phase II

Members of the research staff met again with the Louisiana Parole Board in February, 1976, to discuss the findings and the tentative guidelines. The Board agreed with the major findings concerning the importance of prior criminal record and the minor importance of institutional discipline in their decision-making process. They asserted, though, that the findings which had appeared to the research staff to represent reasons for automatic parole or denial did not accurately reflect their policy. They suggested that these conclusions had resulted from a misinterpretation of some of the Board's comments in the salient factor section of the case evaluation form. Board members explained that when an inmate had psychological problems, for example, they would record that fact only when it had been the major reason for parole denial. There were, however, other cases where the inmate's history of psychological problems was a factor, but he was nevertheless granted parole. In these instances, the presence of psychological problems would not have been noted on the form. Thus, this practice had led the research staff to conclude that unfavorable psychological reports constituted a reason for automatic denial. Only two items originally contained in the basic considerations section were retained; they concerned work release completion and parole to detainers.

The Board's policy regarding inmates with serious prior criminal records was discussed. As noted above, the data had suggested that most inmates in this category were denied. The Board confirmed that these findings reflected their policy and added that they were more likely to parole inmates in this category when they had served a large proportion of their sentence. This qualification was incorporated into the guidelines.

The board members agreed that they viewed favorably inmates with no or minor prior criminal records; however, they asserted that it was not their policy to parole inmates in this category automatically. There were two instances in which they denied parole: if they had reason to believe that the inmate was assaultive, or had not served sufficient time for purposes of retribution and general deterrence. They observed that assaultiveness was one of their primary concerns and suggested that an item reflecting this dimension be placed first on the guidelines.

The board members explained that in evaluating the inmate's assaultive potential, they actually had been rating past behavior (inside and outside the institution) rather than attempting to predict future conduct. Two questions pertaining to assaultive *history* therefore were placed first on the preliminary guidelines, with the understanding that the Board's evaluation would continue to reflect concrete information concerning past behavior. The questions read: "Does the inmate have a history of assaultive behavior, in or out of the institution?" and "Is there reason to believe that the inmate is no longer assaultive?" It was agreed that among the considerations that might underlie an affirmative answer to the first question might be a pattern of arrests or convictions for crimes involving the use of a weapon or physical violence or assaultive behavior in the institution. An affirmative answer to the second question might be based on such favorable factors as the completion of work release or a long interval without violent episodes.

The Board confirmed that poor institutional discipline was a factor in denying parole to inmates with moderate prior criminal records. They observed, however, that it was one of many factors they considered and not a reason for automatic denial. Poor institutional discipline was therefore included in the guidelines among several unfavorable factors according to which an inmate with a moderate record would be evaluated.

Since institutional discipline weighed as a factor in the parole decision only if it was poor, it was necessary to develop an operational definition only of "poor" institutional discipline. The meeting with the Board provided an opportunity to do this through a short exercise.

The folders of ten inmates recently considered by the Board were circulated among the board members, who were asked to rate each case on institutional discipline. When these ratings were analyzed, it was found that the board members were basing their evaluations primarily on the number of major and minor infractions the inmate had committed during the previous year (Figure 5.2). These findings were translated into the following definition of poor institutional discipline and were incorporated into the guidelines:

1) Three or more minor infractions during the last year; or

2) Two or more major infractions during the last year; or

| Offender | Infractions | | Board Member Ratings | | | | | Guideline Rating |
|---|---|---|---|---|---|---|---|---|
| | Major | Minor | Very Poor | Poor | Adequate | Good | Very Good | |
| A | 1 | 1 | | 3 | 2 | | | Poor |
| B | 2 | 0 | | 4 | | 1 | | Poor |
| C | 6 | 1 | 2 | 2 | 1 | | | Very Poor |
| D | 0 | 1 | | 1 | 4 | | | Adequate |
| E | 0 | 0 | | | 1 | 4 | | Good |
| F | 0 | 2 | | | 4 | 1 | | Adequate |
| G | 0 | 0 | | | 1 | 3 | 1 | Good |
| H | 0 | 0 | | | 1 | 2 | 2 | Good |
| I | 0 | 2 | | 1 | 4 | | | Adequate |
| J | 0 | 0 | | | 2 | 1 | 2 | Good |

*Figure 5.2: Worksheet for Developing Operational Definitions of Institutional Discipline Ratings*

3) One major *and* one minor infraction during the last year.

Of the 50 board member ratings in the exercise, 88 percent (44) were consistent with these operational definitions. Since the purpose of the exercise was limited to devising a definition of "poor" discipline, "adequate" and "good" discipline were collapsed into one category.

From past experience, it was known that prior criminal record ratings usually reflected the interaction of a number of factors. Therefore, a relatively large sample was needed to elicit the information from which a specific definition could be derived. A data collection section designed to achieve this objective was added to the Phase II guideline form (Figure 5.3). For the second data collection phase, the Board was asked to fill out one form per case, representing Board consensus.

## Phase II Data Analysis

The Phase II sample, consisting of 102 cases, showed a paroling rate of 42 percent, similar to that in Sample I grouped according to cases ($\chi^2 = .04$, d.f. = 1, ns). The distributions for the two samples did not differ significantly in regard to serious prior criminal record rating ($\chi^2 = 4.84$, d.f. = 2). Ninety of the cases in this sample fell into categories for which guideline decision rules had been provided. The Board's decisions on these 90 cases agreed with the guidelines in 73 percent of the cases. The fact that this percentage fell below the 80 percent level indicated that the guidelines did not yet accurately reflect Board policy.

An item-by-item analysis was conducted. One particularly weak item proved to be the decision rule concerning assaultiveness. Only 73 percent of inmates rated as assaultive were denied parole in accordance with the guideline decision rule. This percentage did not fulfill the 80 percent guideline rule and this item was therefore dropped from the guidelines. Since the nine inmates in the sample who had successfully completed work release were paroled, the item relating to work release was retained. Only two cases fell into the detainer and extraordinary factor categories, and these items were therefore eliminated.

There were 53 inmates in this sample rated as having serious or extensive prior criminal records. Forty-two of this number were rated as not having "served a relatively long time." Eighty-eight percent of the inmates

## Louisiana Board of Parole
## Preliminary Guidelines

Docket number: ______________

PRIOR CRIMINAL RECORD

*On the following scale, please circle the word that best describes the Board's assessment of the inmate's prior criminal record*

NONE - MINOR - MODERATE - SERIOUS - EXTENSIVE

*In the space below, please write in the facts about the case that support the rating. Indicate juvenile offenses by J. Continue on back of page, if necessary.*

| Offense | Date of Sentence | Length of Sentence |
|---|---|---|
| | | |
| | | |

*Please answer all questions until reaching a decision. Then indicate decision in C.*

| | | YES | NO |
|---|---|---|---|
| A. | 1. Does the inmate have a history of assaultive behavior in or out of the institution?<br>*If YES, continue to 2. If NO, skip to 3.* | ___ | ___ |
| | 2. Is there reason to believe that the inmate is no longer assaultive?<br>*If YES, continue to 3. If NO, deny parole.* | ___ | ___ |
| | 3. Has the inmate successfully completed six months of work release?<br>*If YES, parole. If NO, continue to 4.* | ___ | ___ |
| | 4. a. Is a detainer pending against the inmate? | ___ | ___ |
| | b. If YES, is there reasonable assurance that the inmate will be prosecuted on detainer?<br>*If both answers are YES, parole to the detainer only. Otherwise, continue to 5.* | ___ | ___ |
| | 5. Are there extraordinary factors relating to the inmate's condition that suggest that parole would be appropriate at this time (e.g., disabled, aged, ill)?<br>*If YES, parole. If NO, continue to 6.* | ___ | ___ |

*Figure 5.3: Preliminary Guidelines*

YES NO

6. Does the inmate have a prior criminal record rating of SERIOUS or EXTENSIVE? ___ ___
   *If YES, continue to 7. If NO, skip to 8.*

7. Has the inmate served a relatively long time? (A relatively long time could be defined as
   a. 5 years or more on a sentence of 10 years or more, or
   b. 50% or more of a sentence under 10 years.) ___ ___
   *If YES, skip to B. If NO, deny parole.*

8. Does the inmate have a prior criminal record rating of NONE or MINOR? ___ ___
   *If YES, parole. If NO, continue to B.*

B. The following questions concern inmates with a prior criminal record rating of MODERATE; and inmates with a prior criminal record rating of SERIOUS/EXTENSIVE who have served a relatively long time.

1. Are there favorable factors that suggest that release may be appropriate at this time?

   *Please check all factors YES or NO.*

   a. Factors relating to the inmate's record:
      1) Crimes were not against persons ___ ___
      2) Long time between convictions ___ ___
      3) Successful prior probation or parole ___ ___
      4) Good civilian work record ___ ___
   b. Factors relating to the immediate crime:
      1) His minor role in the offense ___ ___
      2) No weapon involved ___ ___
   c. Factors relating to behavior in the institution:
      1) Successfully completed work or study program ___ ___
      2) Very good conduct ___ ___
   d. Factors relating to post-release situation:
      1) Family is supportive ___ ___
      2) Local officials do not object to release at this time ___ ___
      3) Community is supportive ___ ___
      4) Good work plan or job skill ___ ___
   e. Inmate likely to complete sentence if not paroled, and needs supervision ___ ___
   f. The most important factor was ______________

      ____________________________________________

*Figure 5.3: Preliminary Guidelines (continued)*

| | YES | NO |
|---|---|---|
| 2. Are there unfavorable factors that suggest that release may not be appropriate at this time? | | |
| *Please check all factors YES or NO.* | | |
| a. Factors relating to the inmate's criminal record: | | |
| 1) Serious juvenile record | ___ | ___ |
| 2) Pattern of violence against persons | ___ | ___ |
| 3) History of crimes related to drug or alcohol abuse | ___ | ___ |
| 4) Short time between convictions | ___ | ___ |
| 5) Parole or probation violation | ___ | ___ |
| b. Factors relating to behavior in the institution: | | |
| 1) 3 or more minor infractions during the last year | ___ | ___ |
| 2) 2 or more major infractions during the last year | ___ | ___ |
| 3) One major and one minor infraction during the last year | ___ | ___ |
| 4) Escape within the last 6 months | ___ | ___ |
| 5) Work release violation within the last 6 months | ___ | ___ |
| c. Factors relating to the inmate personally: | | |
| 1) Poor civilian work record and attitude toward work | ___ | ___ |
| 2) Crime-oriented lifestyle | ___ | ___ |
| 3) History of psychological problems or recent unfavorable psychological report | ___ | ___ |
| d. Factors relating to the post-release situation: | | |
| 1) Nomadic, a drifter | ___ | ___ |
| 2) Unstable family | ___ | ___ |
| 3) Family unwilling to assist him | ___ | ___ |
| 4) Written law enforcement or judicial objections to release | ___ | ___ |

e. The most important factor was ______________

______________________________________________

C. Board decision: Parole __________ Deny parole __________

Inmate was paroled/denied parole because ______________________

______________________________________________________________

*Figure 5.3: Preliminary Guidelines (continued)*

in this category were denied parole. It was clear that this decision rule was an accurate reflection of Board policy. The item was retained but simplified by specifying that inmates with serious records at their first hearings would be denied parole. Inmates at second and later hearings would be categorized as marginal candidates and evaluated according to the favorable and unfavorable factors.

The sample included 27 inmates with no or minor records, of whom 56 percent were granted parole. The low paroling rate for this category confirmed the Board's observation that it was not their policy to grant parole automatically to these inmates. An analysis of reasons listed by the Board for these decisions outside the guidelines showed two situations commonly associated with denials: 1) law enforcement, judicial, or other official objections to the inmate's release and 2) the judged seriousness of the offense. One or both of these reasons was listed in every case of parole denial. These findings were formulated into a decision rule which provided that inmates in this category would be paroled unless either of these two factors was applicable in the case.

The two remaining categories of inmates were grouped together: those with moderate prior criminal records and those with serious records who had "served a relatively long time." An analysis was made to determine the number of unfavorable factors associated with the decision to deny parole to these inmates. It was found that in 82 percent of the cases, inmates in these categories were paroled when the number of unfavorable factors checked was five or fewer. Regardless of the number of unfavorable factors, an inmate was paroled if he was rated as having three or more favorable factors. From this information, it was possible to develop decision rules for inmates in these marginal categories.

For the Phase III guidelines, the factors sections were reorganized to eliminate redundancy. The unfavorable factor section was confined to a consideration of static factors, i.e., those relating to the inmate's past. The favorable factor section consisted of dynamic factors relating to recent conduct in the institution and the post-release situation, and therefore subject to change between hearings.

It was now possible to construct guidelines with decision rules covering all cases (Figure 5.4). When the sample was sorted according to the revised guidelines, the Board decisions agreed with the guideline decisions

## Louisiana Board of Parole
## Guidelines

YES NO

I. Has the inmate successfully completed work release? ___ ___

*If YES, parole, indicating your decision in III.*
*If NO, continue.*

II. *Using the Board rating for Prior Criminal Record, locate the inmate's Prior Criminal Record below:*

NO or MINOR Prior Criminal Record

A. Was the inmate's offense so serious that you feel he should serve more time solely for this reason? ___ ___

B. Are there strong written law enforcement, judicial or other official objections to his release at this time? ___ ___

*If either answer was YES, deny parole. If both answers were NO, parole, indicating your decision in III.*

SERIOUS Prior Criminal Record

Is the inmate at his first parole hearing? ___ ___

*If YES, deny parole, indicating your decision in III. If NO, continue.*

*Figure 5.4: Guidelines*

SERIOUS AT SECOND AND LATER PAROLE HEARINGS or MODERATE
Prior Criminal Record
*Please check all factors YES or NO.* YES NO

A. Do the following unfavorable factors apply to the inmate?
  1. Factors related to the inmate's prior criminal record:
    a. Pattern of violence against persons ___ ___
    b. History of crimes related to drug or alcohol abuse ___ ___
    c. Short time between convictions ___ ___
    d. Parole or probation violation ___ ___
  2. Factors related to the immediate crime:
    a. His major role in the offense ___ ___
    b. Weapon involved ___ ___
    c. Serious nature of the crime ___ ___
  3. Factors related to behavior in the institution:
    a. Poor discipline (defined as one or more of the following infraction combinations within the last year: one major and one minor; 2 or more major; 3 or more minor) ___ ___
    b. One or more escapes within the last 6 months ___ ___
    c. Work release violation within the last 6 months ___ ___
  4. Factors related to the inmate personally:
    a. Poor civilian work record and attitude toward work ___ ___
    b. Crime-oriented life style
    c. History of psychological problems or recent unfavorable psychological report ___ ___
    d. Nomadic, a drifter ___ ___
  5. Written law enforcement, judicial or other official objections ___ ___

*If 5 checks or less in Section A were YES, parole, indicating your decision in III. If 6 or more checks in section A were YES, continue.*

*Figure 5.4: Guidelines (continued)*

| | YES | NO |
|---|---|---|
| B. Do the following favorable factors apply to the inmate? | | |
| 1. Factors related to behavior in the institution: | | |
| a. Successfully completed work or study program | ___ | ___ |
| b. Very good conduct | ___ | ___ |
| 2. Factors related to the post-release situation: | | |
| a. Family is supportive | ___ | ___ |
| b. Community is supportive | ___ | ___ |
| c. Good work plan or job skill | ___ | ___ |
| d. Good parole plan | ___ | ___ |
| 3. Inmate is likely to complete sentence if not paroled and needs supervision | ___ | ___ |

*If 2 checks or less in Section B were YES, deny parole. If 3 or more checks in B were YES, parole, indicating your decision in III*

III. *Board Decision:* *Parole* ________ *Deny parole* ________

*For a decision outside the guidelines, please indicate reasons:*

______________________________________________________________

______________________________________________________________

______________________________________________________________

*Figure 5.4: Guidelines (continued)*

in 86 percent of the cases.

## Operational Definitions

The technique employed in the North Carolina and Virginia studies (Chapters 3 and 4) was used to analyze the Board ratings of prior criminal record and to develop guideline operational definitions. The analysis showed that the rating system was similar to that of the Virginia Board, in that the rating was primarily a function of the number of fines and the total of the lengths of the prior active sentences. When the Louisiana Board's ratings were compared to the guideline ratings, however, there was agreement in only 64 percent of the cases. In 32 percent of the cases, the guideline rating had underestimated the Board's rating, because the guideline rating did not include additional factors which the Board took into consideration, such as prior probations, arrests, and suspended sentences. The decision was made to follow a strategy used in the Virginia study, where a simplified rating system, based on two factors, was tentatively implemented (Chapter 4, p. 89 ). The Board was advised to go outside guideline ratings to take these additional factors into account. In such cases, board members were asked to provide reasons for their ratings (Figure 5.5).

## Phase III Data Analysis

The Board returned 97 cases in the third sample. The paroling rate for the sample was 29 percent, well below the rate seen in previous samples ($\chi^2 = 5.952$, d.f. = 1, $p < .05$). The sample also differed markedly from previous samples in the distribution according to prior criminal record ($\chi^2 = 39.236$, d.f. = 2, $p < .001$). Almost half the sample (45 percent) had no or a minor record, as compared to 21 percent in Sample I. The low paroling rate for the sample was largely attributable to the relatively low paroling rate (45 percent) of inmates with no or minor record. An analysis of these cases showed that 84 percent of these decisions were within the guidelines; of the inmates denied parole, 83 percent were denied for either or both of the two guideline reasons.

Eighty-one percent of all decisions represented in the Phase III sample were within the guidelines. The Board's ratings of prior criminal record agreed with the guideline ratings in 86 percent of the cases. In every instance in which the board members went outside the guidelines in rating prior criminal record, they did so to increase the seriousness of the rating. Reasons for modify-

## Louisiana Board of Parole
## Guideline Rating for Prior Criminal Record

*Count all fines, juvenile and adult. Add together all maximum sentences (juvenile and adult) on which the inmate actually served prison or jail time. Each commitment to a training school is equivalent to a one-year sentence. Do NOT include the present offense, suspended sentences, probations, arrests, or convictions not followed by incarceration.*

NO record: no previous convictions.

MINOR record:

1) Incarceration only: maximum sentences totalling no more than one year; or

2) Fines only: 0 to 4; or

3) Fines and incarceration combined: maximum sentences totalling no more than 6 months, if the inmate has fines and court costs in addition to sentences on his record.

MODERATE record:

1) Incarceration only: maximum sentences totalling more than one year, but no more than 4 years; or

2) Fines only: 5 to 7; or

3) Fines and incarceration combined: maximum sentences totalling more than 6 months, but no more than 3 years, if the inmate has fines and court costs in addition to sentences on his record.

SERIOUS record:

1) Incarceration only: maximum sentences totalling more than 4 years; or

2) Fines only: 8 or more; or

3) Fines and incarceration combined: maximum sentences totalling more than 3 years, if the inmate has fines and court costs in addition to sentences on his record.

*The Board may go outside the guidelines to take into consideration mitigating factors, or aggravating factors such as probations, suspended sentences, arrests, and the seriousness or frequency of the offenses.*

*Figure 5.5: Guideline Rating for Prior Criminal Record*

ing the rating were provided in all of these cases.

At the Board's request, the research staff prepared a policy statement explaining the Board's criteria, the reasons why these criteria were taken into consideration, and how they were to be applied in individual decisions (Figure 5.6). Pending public comment, this statement has been tentatively adopted by the Board.

## Conclusions

The study of parole decision-making in Louisiana differed in several respects from the research conducted in collaboration with the North Carolina Parole Commission and the Virginia Board of Parole. The Louisiana study used a more extensive data collection form and involved an attempt to collect information about each inmate from each parole board member.

The results of the data collection effort in Louisiana would suggest that the time schedule of parole board members will permit them to complete a relatively long data collection form, but that the use of a multiple-form data collection procedure is impractical. As discussed in Chapter 4, information on variation among board members in decisions and evaluations can be obtained more conveniently from single forms in a large sample.

The Louisiana study also demonstrated the importance of tailoring a data collection instrument to the concerns of each board. If the design of the instrument is to represent an accurate reflection of the board's major criteria, board input is essential to guarantee that result. In this respect, the study further underscored the basic assumption of the project that the research process in parole decision-making should involve a continuing collaborative effort between board and staff.

## Louisiana Board of Parole
## Policy Statement Concerning the Grant and Denial of Parole

### Section I

The Louisiana Board of Parole uses the following six major criteria in determining whether to grant or deny parole:

1) Seriousness of the Offense: It is the policy of the Board to consider the nature and circumstances of the offense, to determine whether the purposes of retribution and general deterrence have been satisfied. In evaluating the case along this dimension, the Board will be guided by the official version of the offense and the length of the sentence imposed. The Board, however, will also take into consideration the parole candidate's version of the offense. The Board is particularly concerned with offenses which 1) involved a weapon and/or physical injury or possible injury to the victim, and 2) crimes of a repetitive nature, such as a series of burglaries or drug sales, which reflect extensive involvement in crime-oriented activities. A number of mitigating and aggravating factors, including the parole candidate's motivation for committing the offense, his/her role in the offense, the amount of loss and/or injury to the victim, and the degree of sophistication evidenced in the offense, will also be taken into consideration. In general, it is not Board policy to deny parole *solely* on the basis of the nature and circumstances of the offense; there are, however, certain instances where denial on this basis may be warranted.

2) Prior Criminal Record: In evaluating the parole candidate's prior criminal record, the Board will consider both the inmate's prior adult and juvenile records in order to determine the degree of his/her involvement in crime-oriented activities. The Board is primarily concerned with the number and seriousness of the inmate's *convictions*. In most instances, the length of the arrest record will not be used in determining the prior record rating; however, when there is evidence that the prospective parolee has had extensive involvement with authorities, this factor will be used to aggravate the seriousness of the prior criminal record rating. The Board will also consider the parole candidate's response to prior community supervision, and whether the present offense was committed while on probation or parole. A pattern of continual encounters with the law will be interpreted as an indication that the subject is unlikely to succeed on parole.

Since the evaluation of this factor plays an important role in the decision-making process, the Board has adopted guidelines for rating the seriousness of the prior criminal record. These ratings

*Figure 5.6: Policy Statement*

are based on the total number of fines and the length of sentences to incarceration. They do not include the *present* offense. A commitment to a training school will be considered as equivalent to a one-year sentence.

Prior Criminal Record is defined as follows:

NO record: No previous convictions.

MINOR record:
1) Incarceration only: maximum sentences totalling no more than one year; or
2) Fines only: 0 to 4; or
3) Fines and incarceration combined: maximum sentences totalling no more than 6 months, if the inmate also has fines and court costs on his record.

MODERATE record:
1) Incarceration only: maximum sentences totalling more than one year, but no more than 4 years; or
2) Fines only: 5 to 7; or
3) Fines and incarceration combined: maximum sentences totalling more than 6 months, but no more than 3 years, if the inmate also has fines and court costs on his record; or
4) Neither fines, nor prior incarcerations; but present sentence tence is the result of the revocation of felony probation.

SERIOUS record:
1) Incarceration only: maximum sentences totalling more than 4 years; or
2) Fines only: 8 or more; or
3) Fines and incarceration combined: maximum sentences totalling more than 3 years, if the inmate also has fines and court costs on his record.

The Board reserves the right to go outside the guidelines to take into consideration mitigating factors, or aggravating factors, such as probations, suspended sentences, arrests, and the seriousness or frequency of the offenses.

3) Institutional Adjustment: The Board will consider information pertaining to the parole candidate's adjustment to the institution. In assessing this factor, the Board will consider the inmate's participation in and response to the programs available to him/her and his/her overall compliance with institutional regulations. The Board will view negatively an institutional discipline record which consists of a number of major and minor infractions.

*Figure 5.6: Policy Statement (continued)*

Poor discipline has been defined by the Board as one or more of the following infraction combinations *within the last year*: one major *and* one minor infraction; 2 or more major infractions; 3 or more minor infractions. Although a satisfactory adjustment to prison life will not guarantee that the subject will be paroled, it greatly increases the probability of parole, because obedience to institutional rules is taken as an indication that the candidate will comply with parole conditions. A decidedly poor adjustment record will weigh heavily against the potential parolee.

4) Work Release: It is the practice of the Department of Corrections to recommend inmates to the Board for approval for assignment to work release programs. In these cases, the Board will interview the subject six months before the parole eligibility date. If the Board approves the work release placement, parole will be granted contingent on the parole candidate's successful completion of six months on work release. If the candidate succeeds on this program, he or she will *not* be re-interviewed and the parole will become effective at the scheduled eligibility date. If the prospective parolee fails on work release, he or she will appear before the Board on the scheduled eligibility date. The Board interprets failure in this program as an indication that the candidate is unlikely to succeed on parole. This negative factor will be weighted heavily in the decision-making process.

5) Factors related to the Character and Personality of the Inmate: In evaluating the record on this dimension, the Board will consider information pertaining to the subject's work record, level of education, occupational skills, evidence of his/her emotional stability as contained in recent psychological reports, and whether the prospective parolee has a history of mental hospitalization. In addition, the Board considers whether the subject has a history of drug or alcohol abuse which seriously diminishes the likelihood that the candidate can succeed on parole.

6) Police, Judicial, and Community Attitudes toward the Parole Candidate: It is Board practice to solicit information about the subject from community and public officials who are well acquainted with the prospective parolee's case. This factor is of great importance, because the probability that an inmate will succeed on parole is greatly diminished if he/she will return to a community which has expressed hostility toward him/her. The Board will seldom deny parole *solely* on the basis of opposition from official or community representatives. On the other hand, evidence that the community and public officials are supportive will increase the probability that the parole candidate will be granted parole.

*Figure 5.6: Policy Statement (continued)*

7) Parole Plan: The Board places great emphasis on the appropriateness of the parole plan. In evaluating the parole plan, the Board will consider the strength of the parole candidate's social ties, including whether the subject has a supportive family, resources available in the community, and a job opportunity. It is important for the prospective parolee to have secure job plans and stable living arrangements upon return to the community, since these factors are strongly related to the successful completion of parole. The Board is extremely reluctant to grant parole to a candidate who is a drifter, or who will return to an environment and circumstances which are likely to contribute to further involvement in crime-oriented activity. *In all cases, release on parole is contingent on the submission of a satisfactory parole plan.*

*Figure 5.6: Policy Statement (continued)*

# Chapter 6

# MISSOURI

Colleen A. Cosgrove and Jane Wallerstein

## Board Structure and Procedure

The Missouri Board consists of three full-time board members, one of whom serves as chairman. The board members are assisted by two hearing analysts with whom they share parole decision-making responsibilities. For purposes of simplicity, the term "board member" will include the hearing analysts.

The Board has jurisdiction over all felons committed to the Department of Corrections. The judge or the jury fixes the maximum sentence within the statutory limits for the offense and does not set a minimum term. An inmate is eligible for parole at any time after his commitment to the Department of Corrections. This statutory structure accords the Board a great deal of discretion. By its own policy, however, the Board has imposed constraints on the exercise of its discretion, through the following schedule of minimum terms to be served before first parole eligibility:

Eligibility Scale

| Number of Months to be Served (in months) | Length of Sentence (in years) |
|---|---|
| 6 | 2 |
| 8 | 3 |
| 10 | 4 |
| 12 | 5 |
| 14 | 6 |
| 16 | 7 |
| 18 | 8 |
| 20 | 9 |
| 22 | 10 |
| 24 | 11+ |

According to the scale, inmates serving sentences of 10 years or fewer are considered for parole when they have served approximately 20 percent of their maximum sentence. All others are considered within the first two years of their confinement. Since inmates in this latter category have served considerably less than 20 percent of their maximum sentence at their first parole eligibility, this hearing seldom results in parole. Good time may diminish the maximum sentence by as much as five-twelfths.

At first eligibility an inmate is accorded a personal interview, which is called a hearing. Subsequent parole considerations, called reviews, are based on a study of the inmate's file. At both hearings and reviews, two concurring votes are needed for a decision.

The decision-making structure in Missouri had some features not encountered previously in this project. A multi-option system was in use here, rather than the dichotomous (grant/deny) decisions found in previous studies. In making parole decisions, the Missouri Board has three options: to grant parole, deny parole, or defer decision by rescheduling the case for review, generally in 6 to 12 months. For this paroling authority, parole denial, unless reversed through a successful appeal to the board, means that the case will not be considered again and the inmate must serve out his sentence.

The Board has a caseload of approximately 350 parole considerations a month.

## Data Collection

A conference of the members of the research staff and the Board took place in April, 1975, with an agenda similar to that followed previously in the study. In discussing their policy, the board members observed that they decided each case on its individual merits. There were, however, several common reasons for parole denial, which were listed on a form called the Board Hearing and Action Sheet (Figure 6.1).

It was agreed that a data collection procedure would be followed, similar to that used in the Louisiana study, to permit the study of board-member variation. During the first three months of data collection, beginning June 1, 1975, all board members considering a case completed a case evaluation form on every parole candidate. During August, the Board indicated that this procedure was inconvenient and therefore, by agreement, filled out one form per case, representing the consensus of the panel. By the end of the data collection period, November 30, a total of 2,414 case evaluation forms had been collected, representing 1,277 cases; 96 of these were excluded from the sample since they concerned cases in which the maximum sentence exceeded 25 years.

## Analysis

In order to adapt Missouri's board decision system for

Reasons for Continuance or Denial

___ 1. Short time served on sentence

___ 2. Adverse community attitude

___ 3. Adverse psychiatric or psychological report

___ 4. Team or individual staff member recommendations

___ 5. Repetition of criminal behavior, juvenile and/or adult

___ 6. Repetitive pattern of violent and/or dangerous behavior

___ 7. Seriousness of present offense

___ 8. Habitual use of narcotics or alcohol

___ 9. Probation or parole revoked on present or other recent offense

___ 10. Poor institutional adjustment

___ 11. Protests

___ 12. Failure to fulfill terms of personalized plan

___ 13. Present offense committed while on probation or parole

*Figure 6.1: Reasons for Continuance or Denial*
*(excerpted from Board Hearing and Action Sheet 3/74)*

correlation analysis, the decision was scored as a dichotomy, grant/not grant, combining continuance and denials in the latter category. The coefficients of the resulting matrix (Table 6.1) were generally low, or at best low/moderate. With the exception of parole prognosis, which was substantially correlated with the decisions ($r_{pb} = .58$), no variable was more than moderately related to the decisions. Of the remaining variables, the two most strongly related to the decisions were institutional discipline and program participation ($r_{pb} = .38$ and .37, respectively).

There were at least two possible explanations for these relatively low coefficients. Possibly, the factors included for study were not strongly related to the decisions and board policy actually was influenced by other criteria. There was also the possibility that the board ratings of inmates along these dimensions showed very little variation, a circumstance which will reduce the magnitude of the correlation coefficients. As shown later, substantiation for both of these explanations was subsequently found.

The regression analysis to predict grant/not grant, including eight independent variables (Table 6.2) showed that these variables in linear combinations gave a multiple correlation coefficient of .65. With parole prognosis, the eighth variable entered into the equation, excluded, the coefficient of correlation dropped to .53. This finding seemed to confirm the hypothesis suggested by the correlation matrix, that board policy was influenced by criteria other than those represented in the case evaluation form.

In the correlation matrix, institutional discipline and program participation had appeared as only moderately intercorrelated (.43). This suggested that the two variables tapped somewhat different dimensions. The sizeable independent contribution of program participation to the equation (5.4 percent) following the entry of institutional discipline, confirmed this hypothesis. Since both variables were moderately correlated with the decisions, it was desirable that the information derived from both be represented in the analysis. It was, therefore, decided to create a new variable called "institutional adjustment" which would be an average of these two factors which seemed to bear equally on the decisions. This new variable would be used in the crosstabulations.

The correlation matrix and the regression equation had provided no strong indications as to the direction the analysis should take. A similar absence of strong pattern was evident in the crosstabulations.

Because all board members had completed forms on a

Table 6.1

Correlation of Ratings and Decisions by the Missouri Board of Probation and Parole (N = 2,050)*

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. Decision | | 2048 | 2046 | 2048 | 2047 | 2048 | 2048 | 2045 | 2048 | 2048 | 2048 |
| 2. Seriousness | -.20 | | 2048 | 2050 | 2049 | 2050 | 2050 | 2047 | 2050 | 2050 | 2050 |
| 3. Parole Prognosis | .58 | -.04 | | 2048 | 2047 | 2048 | 2048 | 2045 | 2048 | 2048 | 2048 |
| 4. Institutional Discipline | .36 | -.15 | .30 | | 2049 | 2050 | 2050 | 2047 | 2050 | 2050 | 2050 |
| 5. Program Participation | .36 | .02 | .43 | .43 | | 2049 | 2049 | 2046 | 2049 | 2049 | 2049 |
| 6. Assaultive Potential | -.31 | .55 | -.23 | -.30 | -.15 | | 2050 | 2047 | 2050 | 2050 | 2050 |
| 7. Prior Criminal Record | -.30 | -.01 | -.27 | -.14 | -.18 | .18 | | 2047 | 2050 | 2050 | 2050 |
| 8. Social Stability | .24 | -.03 | .37 | .14 | .25 | -.17 | -.23 | | 2047 | 2047 | 2047 |
| 9. Time Served | -.17 | .48 | -.01 | -.09 | .02 | .33 | .11 | -.05 | | 2050 | 2050 |
| 10. Maximum Sentence | -.20 | .51 | .00 | -.08 | .05 | .34 | .09 | -.04 | .89 | | 2050 |
| 11. Number of Prior Hearings | -.10 | .27 | .02 | -.02 | .09 | .16 | .09 | -.05 | .61 | .49 | |

* Column 1, point biserial coefficient, dichotomous variable: Grant = 1, Not Grant = 0
Columns 2-11, Pearson's product moment correlation coefficients underlined, significant at .01.
Numbers of cases are shown above the main diagonal; correlations, below.
Cases related to inmates who had served less than 18 percent of the maximum sentence and/or whose maximum sentence exceeded 25 years were excluded from the analysis.

Table 6.2

Regression of Inmate Status and Board Member Ratings on Parole Decision (Grant/Not Grant) (N = 2,042)*

| Variable | Multiple Correlation Coefficient | $R^2$ | Change in $R^2$ | Correlation Coefficient** | B | Beta |
|---|---|---|---|---|---|---|
| Institutional Discipline | .36 | .13 | .13 | .36 | .008 | .127 |
| Program Participation | .43 | .18 | .05 | .36 | .006 | .089 |
| Prior Criminal Record | .48 | .23 | .05 | -.30 | -.007 | -.134 |
| Assaultive Potential | .51 | .26 | .03 | -.31 | -.003 | -.049 |
| Seriousness of the Offense | .52 | .27 | .01 | -.20 | -.004 | -.099 |
| Time Served | .52 | .27 | .00 | -.17 | -.002 | -.083 |
| Social Stability | .53 | .28 | .01 | .24 | -.002 | -.018 |
| Parole Prognosis | .65 | .42 | .14 | .58 | .018 | .455 |
| Constant | | | | | -.073 | |

* Excludes cases relating to inmates with time served less than 18 percent of the sentence and/or maximum sentence exceeding 25 years.

** Point biserial correlation coefficients, with decision scored as Grant = 1, Not Grant = 0.

large number of inmates in the sample, a choice similar to that made in the Louisiana study presented itself: It was possible to view the sample either as cases or as forms. Here, too, a decision was made to view the sample from the perspective of cases. The paroling rate for the sample was almost identical when viewed from either perspective (for cases, 34 percent; for forms, 35 percent). When the forms were grouped as cases, board members' comments recorded on the forms could be used to provide a more complete picture of the decision considerations. It was found from an examination of the decisions grouped by cases that board member decisions were identical for virtually every case. The original plan to study board member variation was therefore abandoned.

Crosstabulations showed that the Board paroled 34 percent of inmates in the sample and its decisions were evenly distributed among the other options (Table 6.3). It was also evident that the Board made final decisions (grant/deny) on 55 percent of the inmates in the sample and deferred decisions on 45 percent.

An analysis of the percentage of inmates paroled according to prior criminal record and institutional adjustment ratings (Table 6.3) revealed that the sample was rather homogeneous. The Board had rated only 12 percent of the inmates as having good/very good institutional adjustment and 29 percent as having poor/very poor institutional adjustment. This left 59 percent rated adequate.

A similar situation existed with regard to prior criminal record. Only 15 percent of the sample had been rated as having no/minor prior criminal record and 32 percent as having a serious/extensive prior criminal record. This again left more than half the sample, 53 percent, in the marginal, that is, moderate prior criminal record category.

Thirty-two percent of the sample was seen as marginal on both dimensions, that is, as having an adequate institutional adjustment rating combined with a moderate prior criminal record rating. A mere three percent were in the extreme favorable category, that is, rated as having no/minor prior criminal record, combined with good/very good institutional adjustment. Only 12 percent were classified in the extreme unfavorable category, as having a poor/very poor institutional adjustment rating and a serious/extensive prior criminal record rating. Either the board members were not making fine distinctions in their ratings, or the sample was, in fact, unusually homogeneous. When the decision (grant/not grant) was viewed as a function of these ratings, no category emerged in which 80 percent or more of the inmates were paroled (see Chapter 3, page 45 ). The

Table 6.3

Percentage of Inmates Paroled Distributed According to Prior Criminal Record and Institutional Adjustment Ratings*

| Averaged Institutional Adjustment Ratings | Averaged Prior Criminal Record Ratings | | | |
|---|---|---|---|---|
| | Serious/ Extensive | Moderate | No/Minor | Totals |
| Good/Very Good | 37%<br>(38) | 59%<br>(70) | 71%<br>(38) | (146) |
| Adequate | 18%<br>(206) | 49%<br>(377) | 65%<br>(110) | (693) |
| Poor/Very Poor | 3%<br>(136) | 8%<br>(179) | 11%<br>(27) | (342) |
| Totals | (380) | (626) | (175) | (1,181) |
| | Over 25 years | | | (96) |
| | Total number of cases = | | | (1,277) |

---

* Note on how to read table 6.3: The percentages show the percentage of inmates granted who fell into the category indicated by the intersection of a column and a row. The percentages do not add up to 100. The numbers in parentheses show the total number of inmates who fell into the category indicated by a column-row intersection.

table showed that there were four categories in which the percentage of inmates paroled was less than 20 percent. This suggested that it was Board policy not to parole inmates in these categories.

An examination of several tables (Tables 6.4, 6.5, 6.6, 6.7, and 6.8) gave rise to these further observations about the sample:

1) The grant option was seldom used for inmates with poor/very poor institutional adjustment ratings. It appeared that it was Board policy not to grant parole to inmates in this category. Decisions were almost evenly divided among the negative options (deny, review in 6 months, review in a year) (Table 6.4). Therefore, it was not possible to determine Board policy regarding the specific disposition of these cases.

2) For inmates in the two unfavorable institutional adjustment categories, a moderate proportion were granted parole, but the percentages were far below the 80 percent decision-rule level. Decisions for the remaining inmates were almost evenly divided among the three negative options, providing no clear indication of the relation between this variable and the decisions.

3) The relation between the prior criminal record ratings and decision was also unclear (Table 6.5). It seemed to be Board policy not to grant parole to inmates with serious/extensive prior criminal record ratings. For inmates with more favorable prior criminal record ratings, no decision rules emerged.

4) Decisions for inmates serving maximum sentences of two to three years tended to be dichotomous (grant/deny) and final (Table 6.6). In the rare instances where a continuance was given, it was almost always set at six months.

5) Only a third of the decisions regarding inmates serving sentences exceeding three years were final (Table 6.6). Of those inmates not given final decisions, the majority received 12-month continuances. Apparently, the length of the sentence influenced the Board's choice of decision options.

6) Crosstabulations showing decisions as a function of prior criminal record and institutional adjustment ratings, controlling for length of sentence, revealed no further indications of Board policy.

## Table 6.4

### Decisions Distributed According to Averaged Institutional Adjustment Ratings

| Decisions | Averaged Institutional Adjustment Ratings | | | |
|---|---|---|---|---|
| | Very Poor/Poor | Adequate | Good/Very Good | Total |
| Grant | 6%<br>(21) | 42%<br>(294) | 56%<br>(82) | 34%<br>(397) |
| Deny | 31%<br>(106) | 19%<br>(130) | 8%<br>(11) | 21%<br>(247) |
| Review in 6 months | 27%<br>(92) | 20%<br>(136) | 17%<br>(25) | 21%<br>(253) |
| Review in one year | 36%<br>(123) | 19%<br>(133) | 19%<br>(28) | 24%<br>(284) |
| Total | 100%<br>(342) | 100%<br>(693) | 100%<br>(146) | 100%<br>(1,181) |
| | Over 25 years | | | (96) |
| | Total number of cases | | = | (1,277) |

Table 6.5

Decisions Distributed According to Averaged Prior Criminal Record Rating

| Decisions | Averaged Prior Criminal Record Rating | | | Total |
|---|---|---|---|---|
| | Serious/Extensive | Moderate | No/Minor | |
| Parole | 14%<br>(55) | 39%<br>(241) | 58%<br>(101) | (397) |
| Deny | 27%<br>(104) | 21%<br>(131) | 7%<br>(12) | (247) |
| Review in 6 months | 22%<br>(82) | 22%<br>(139) | 18%<br>(32) | (253) |
| Review in one year | 37%<br>(139) | 18%<br>(115) | 17%<br>(30) | (284) |
| Total | 100%<br>(380) | 100%<br>(626) | 100%<br>(175) | (1,181) |
| | Over 25 years | | | (96) |
| | Total number of cases | | = | (1,277) |

## Table 6.6

### Decisions Distributed According to Length of Maximum Sentence

| Decisions | Length of Maximum Sentence | | |
|---|---|---|---|
| | 2-3 Years | 4-25 Years | Total |
| Parole | 49%<br>(260) | 21%<br>(137) | (397) |
| Deny | 34%<br>(184) | 10%<br>(63) | (247) |
| Review in 6 months | 16%<br>(84) | 26%<br>(169) | (253) |
| Review in one year | 1%<br>(7) | 43%<br>(277) | (284) |
| Total | 100%<br>(535) | 100%<br>(646) | (1,181) |
| | Over 25 years | | (96) |
| | Total number of cases | = | (1,277) |

As time served[1] increased, the importance of prior criminal record appeared to decrease slightly and that of institutional adjustment and program participation increased substantially (Tables 6.7 and 6.8).

At hearings, institutional discipline and program participation together accounted for only 16 percent of the variation; and prior criminal record, when entered third, adds 5 percent to the predictive power of the equation. On the other hand, at reviews, institutional concerns, as represented by the first two variables in the equation, accounted for 27 percent of the variation. Only 20 percent was added by prior criminal record when entered next.

The Board had recorded comments in the salient factors section on almost 800 of the forms. These observations were examined for insights into additional factors that might have influenced the decisions. The comments mentioned reflected many of the items listed on the Board Hearing and Action Sheet (Figure 6.1). Forty-seven of these notations dealt with drug or alcohol abuse. In 39 percent of the cases in which this factor was mentioned, the inmate was granted parole; in 14 percent, denied parole; and in 47 percent, given a continuance. Although this factor was obviously of great importance to the Board, its relation to decision was unclear. The distribution of decisions was similar when seen as a function of probation violation or crime committed on probation.

Six other factors (juvenile record, crime-oriented lifestyle, short time between offenses, involvement in drug sales, no motivation toward self-improvement, history of assaultive behavior) were frequently mentioned by the Board, predominantly in association with negative decisions. Again, although patterns emerged suggesting that it was Board policy not to grant parole in cases where certain negative factors applied, it was not possible to determine Board policy.

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[1] A useful indicant of time served, one which was consistent with Board practice, was the type of parole consideration, hearing or review. Hearings were defined as the inmate's initial appearance before the Board on a maximum sentence of 10 years or less. All other parole considerations were defined as reviews. Since inmates serving relatively long sentences had already been incarcerated for at least two years at first eligibility, the amount of time they had then served was similar to the amount of time served by inmates with shorter sentences at reviews.

Table 6.7

Regression of Inmate Status Variables and Board Member Ratings on Parole Decision (Grant/Not Grant) for Hearings Cases (N = 1,462)*

| Variable | Multiple Correlation Coefficient | $R^2$ | Change in $R^2$ | Correlation Coefficient** | B | Beta |
|---|---|---|---|---|---|---|
| Institutional Discipline | .32 | .10 | .10 | .32 | .008 | .120 |
| Program Participation | .40 | .16 | .06 | .34 | .007 | .087 |
| Prior Criminal Record | .46 | .21 | .05 | -.31 | -.007 | -.127 |
| Assaultive Potential | .48 | .23 | .02 | -.27 | -.003 | -.043 |
| Seriousness of the Offense | .49 | .23 | .00 | -.16 | -.002 | -.034 |
| Time Served | .51 | .25 | .02 | -.26 | -.014 | -.120 |
| Social Stability | .51 | .26 | .01 | .23 | -.001 | -.011 |
| Parole Prognosis | .64 | .41 | .15 | .58 | .017 | .455 |
| Constant | | | | | -.099 | |

* Includes cases relating to inmates at first parole eligibility with maximum sentences less than or equal to ten years and time served greater than or equal to 18 percent of the sentence.

** Point biserial correlation coefficients, with the decision scored as Grant = 1, Not Grant = 0.

## Table 6.8

### Regression of Inmate Status Variables and Board Member Ratings on Parole Decision (Grant/Not Grant) for Review Cases (N = 580)*

| Variable | Multiple Correlation Coefficient | $R^2$ | Change in $R^2$ | Correlation Coefficient** | B | Beta |
|---|---|---|---|---|---|---|
| Institutional Discipline | .44 | .19 | .19 | .44 | .006 | .118 |
| Program Participation | .52 | .27 | .08 | .47 | .008 | .146 |
| Prior Criminal Record | .54 | .29 | .02 | -.24 | -.005 | -.119 |
| Assaultive Potential | .57 | .32 | .03 | -.33 | -.002 | -.033 |
| Seriousness of the Offense | .58 | .33 | .01 | -.16 | -.007 | -.196 |
| Time Served | .58 | .33 | .00 | -.06 | .000 | .021 |
| Social Stability | .58 | .33 | .00 | .22 | -.010 | -.074 |
| Parole Prognosis | .68 | .46 | .13 | .60 | .018 | .472 |
| Constant | | | | | .015 | |

* Includes cases relating to inmates at reviews with 1) maximum sentences longer than 10 years but less than or equal to 25 years and time served greater than or equal to 18 percent of the sentenc or 2) maximum sentences less than or equal to ten years and not at first parole eligibility.

** Point biserial correlation coefficients, with the decision scored as Grant = 1, Not Grant = 0.

The analysis had traced only the basic outlines of Board policy and the variables that appeared to influence the decisions. Although these criteria had been identified, further information was needed about them before guidelines could be developed.

Many of the criteria (e.g., drug abuse) had not appeared as specific items on the Phase I data collection instrument, but had instead been volunteered by board members. Since information about them had not been collected systematically, it was not possible to measure their relation to the decisions.

A somewhat similar situation had been encountered in Virginia in the course of developing guidelines for inmates in marginal categories (see page 85), and a strategy consisting of a checklist of negative and positive factors had provided a useful mechanism for identifying Board policy. Therefore, a checklist of negative factors was developed for use as part of the Phase II data collection instrument (Figure 6.2).

## Phase II

The research staff met with the Missouri Parole Board to present these findings. The discussion provided the following insights which clarified the findings made during the Phase I analysis:

1) The pre-incarceration record was an important factor for inmates at their first parole eligibility, and thereafter tended to diminish in importance as time served increased.

2) With regard to inmates serving maximum sentences of 2 to 3 years, the Board had limited information on which to base its decisions. At the time of parole eligibility, these inmates had been in the institution only a short time and therefore had not had an opportunity to build up an institutional record by participating in programs. Decisions on these cases had to be based, primarily, on pre-incarceration factors.

3) The Board usually gave final decisions to inmates with 2-year sentences, because, with good time operating, little time remained on the sentence to allow for a continuance.

4) Institutional discipline increased in importance as time served increased. Having been incarcerated for

Missouri Board of Probation and Parole
Case Evaluation Form, Phase II

Time Served: ________________ Maximum Sentence: ______________

Significant Factors

| *Please check all factors YES or NO.* | YES | NO |
|---|---|---|
| 1. Factors related to the inmate's prior criminal record: | | |
| a. Serious juvenile record | ___ | ___ |
| b. Short interval between offenses | ___ | ___ |
| c. History of crimes related to alcohol and drug abuse | ___ | ___ |
| d. History of assaultive behavior | ___ | ___ |
| e. Probation violation | ___ | ___ |
| f. Professional drug dealer | ___ | ___ |
| 2. Factors related to the present offense: | | |
| a. Committed while on probation | ___ | ___ |
| b. Committed while on parole | ___ | ___ |
| c. Weapon or excessive force involved | ___ | ___ |
| d. Relatively high degree of sophistication shown in crime | ___ | ___ |
| 3. Factors related to conduct in the institution: | | |
| Escape during last year<br>*(Specify date of capture: ________________)* | ___ | ___ |
| 4. Factors related to the inmate personally: | | |
| a. No motivation toward self-improvement | ___ | ___ |
| b. Crime-oriented lifestyle | ___ | ___ |
| c. Alcohol or drug habit so serious as to raise questions concerning the probability of his succeeding on parole | ___ | ___ |
| d. Rebellious, hostile | | |
| e. Anti-social attitude | ___ | ___ |
| f. No remorse, does not understand nature of offense | ___ | ___ |

Board Member Decision: _________________________
*Most important factor(s) that influenced your decision:* ___________

___________________________________________________________________

Date: _________________ Board Member: ___________________

*Figure 6.2: Case Evaluation Form, Phase II*

a relatively long period of time, inmates on long sentences had an opportunity to avail themselves of programs and build up an institutional record. The Board was thus able to base decisions regarding these inmates on current information.

5) With regard to inmates serving maximum sentences exceeding 10 years, a continuance was automatic until the inmate had served 20 percent of his maximum sentence.

6) Board policy was not fully reflected in the case evaluation forms, but was influenced by many additional factors recorded in the salient factors section.

7) The criteria mentioned in the salient factors section represented factors that bore on, but were not the sole determinants of, the decision. They were often outweighed by unrecorded favorable factors.

The board members approved the Phase II data collection instrument, agreeing that information on discrete items would be helpful in clarifying their policy. The research staff and the Board discussed which variables should be operationally defined. The Board readily agreed that institutional discipline and prior criminal record should be quantified. The other variable suggested for quantification was program participation. The Board explained that it would be difficult to develop definitions of this variable, since these definitions would have to take into consideration the availability of programs in the institution, the amount of time the inmate had been incarcerated, his abilities, and his response to the programs. It was agreed that a program participation rating scale would be included, but that board members would not be asked to provide facts supporting their rating. If the Phase II responses showed that this variable had to be included in the guidelines as a major dimension, a procedure to quantify it would then be developed.

The board members agreed to fill out one form representing the Board consensus on every inmate for a period of about three weeks. This short interval was selected to determine whether the Phase II data collection instrument would generate sufficient information for developing guidelines.

## Preliminary Guidelines and Operational Definitions

The sample was composed of 131 cases. The distribution of decisions was not significantly different ($\chi^2 = 6.85$, $df = 3$) from that seen in Phase I; 23 percent of the sample was granted parole, 27 percent denied; 20 percent received 6-month continuances, and 30 percent received one-year continuances.

The distribution of inmates according to length of maximum sentence was similar to the distribution of this variable in the Phase I sample.

In Phase I, it had appeared necessary to develop a new variable called institutional adjustment to reflect the contributions of both institutional discipline and program participation; the moderate correlation between the two variables (.43) seemed to indicate that they tapped somewhat different information. In the Phase II sample, however, the correlation between institutional discipline and program participation was .55 ($p < .001$). This substantial correlation suggested that institutional discipline could be used to represent institutional dimensions and that it would not be necessary to include program participation in the guidelines.

The Phase I sample had appeared to be homogeneous with respect to institutional adjustment and prior criminal record ratings. To determine whether this homogeneity was reflected in the actual histories of the inmates, the information collected for developing operational definitions was studied. An analysis of these data, using the strategies employed in previous studies, revealed that the distinction between the two favorable categories, adequate and good/very good, was blurred. No infractions had been incurred by 97 percent of the inmates rated good/very good or by 80 percent of those rated adequate. There was, however, a clear distinction between these two categories and inmates rated poor/very poor. Operational definitions were therefore developed, collapsing categories for institutional discipline into poor/not poor, specifying the number, type, and recency of infractions associated with each rating.

Regarding prior criminal record, the distinction between the two favorable categories, no/minor and moderate, also was blurred. The distinction between the two categories seemed to concern active sentences[2] totalling one year. But when no/minor record was defined as active sentences totalling less than a year and moderate prior criminal record was specified as sentences of more than one year, but less than five years, Board ratings agreed with the proposed definitions in only 56 percent of cases in the two categories. The remaining 44 percent of cases fell into the boundary area between the two items. They consisted of cases with total active sentences of more than a year, rated by the Board as no/minor, and of cases with total active sentences under a year, rated by the Board as moderate. There was a sharp distinction, though between inmates rated as having serious prior criminal records and all other inmates. The line of demarcation was drawn at prior active sentences totalling 5 years. Categories for prior criminal record were therefore collapsed into serious/not serious, and defined in terms of the total of prior active sentences. When the Board's ratings were compared with the guideline definitions for institutional discipline and prior criminal record, they agreed in 95 percent and 99 percent of the cases, respectively.

---

[2] "Active sentence" was used by the North Carolina Commission to describe a sentence to incarceration on which the inmate actually served jail or prison time.

Although the board members did not appear to differentiate between inmates rated no/minor and moderate primarily on the basis of the total active sentences, they did differentiate between them with regard to specific negative factors associated with the inmate and his record. An analysis of the case evaluation forms suggested that the Board's decision was a function of the number of negative factors checked as applicable to the case.

It was known that the Board's policy changed with time served. As in Phase I, the sample was divided into two categories, hearings and reviews. (Hearings were defined as the inmate's initial appearance before the Board on a maximum sentence of 10 years or less. All other parole considerations were defined as reviews.) (An abbreviated representation of the sorting patterns and decision-rule sequence for this sample appears in Chapter 2, Figures 2.1 and 2.2).

The hearing sub-sample was sorted first according to poor/not poor institutional discipline rating. The cases rated "not poor" were then sorted according to prior criminal record rating (serious/not serious). It was found that it was Board policy not to grant parole, that is, to deny or defer, inmate in these categories. An analysis of the cases rated as having poor institutional discipline showed that whether an inmate was denied parole or deferred was a function of the length of the maximum sentence. Inmates serving two-year sentences were denied parole. Those serving three-year sentences received 6-month continuances, and those serving sentences of four years or more received one-year continuances. The pattern was the same for inmates with serious prior criminal record ratings.

Analysis of the cases in the remaining categories showed that the decision was a function of the number of negative factors and the length of the maximum sentence. Inmates for whom fewer than five factors had been checked as applicable were paroled, regardless of the length of the maximum sentence. For all others, the decision was related to the length of the maximum sentence.

With regard to cases at reviews, Board policy for inmates with poor institutional discipline was similar to that at hearings. As anticipated, a serious prior criminal record rating was not now automatically associated with a negative decision, but seemed rather to represent only one factor among several that influenced the decision. The decision was now a function of the total number of negative factors checked which pertained primarily to the inmate's current record. Regardless of the length of sentence, inmates were paroled if fewer than four negative factors associated with the current record had been checked. Again, for all others, the type of negative decision (deny, review in 6 months, review in one year) was related to the length of the maximum sentence.

These findings were translated into two sets of guidelines, one for hearings and one for reviews (Figures 6.3 and 6.4). The Missouri preliminary guidelines differed from those developed for other paroling authorities in that they provided for four decision options. This multiplicity of options affected the degree of fit between Board decisions and the guidelines. The degree of correspondence was slightly below the 80 percent requirement (79 percent) when all four options were taken into account, and increased as the number of options was reduced. When Board decisions were compared to guideline decisions collapsed into three decision options (grant/deny/rehear), there was agreement in 90 percent of the cases. When decision options were further collapsed into two options (grant/not grant) there was agreement in 93 percent of the cases.

## Phase III Guideline Validation

The preliminary guidelines were validated on a third

## Missouri Board of Probation and Paroles
## Hearing Guidelines

For inmates at first eligibility with maximum sentences up to and including ten years.

Time served: ______________ Maximum sentence: ____________

*Please answer all questions until reaching a decision.*

| | | YES | NO |
|---|---|---|---|
| I. | Has the inmate committed 3 or more minor infractions during the past year and/or one major infraction during the past year? | ___ | ___ |

*If NO, continue to II. If YES, deny inmate serving 2-year sentence; review in 6 months inmate serving 3-year sentence; review in one year inmate serving 4 to 10-year sentence.*

Major infractions include, but are not limited to, the following: possession of weapon, possession of drugs, theft, creating a disturbance, assault, and escape or attempted escape.

II. *Add together all maximum sentences (juvenile and adult) on which the inmate actually served prison or jail time. Each commitment to a training school is equivalent to a one-year sentence. Exclude the present offense, suspended sentences, probations, and arrests not followed by convictions.*

Total = ______________

| | YES | NO |
|---|---|---|
| Does the total exceed 5 years? | ___ | ___ |

*If NO, continue to III. If YES, deny inmate serving 2-year sentence; review in 6 months inmate serving 3-year sentence; review in one year inmate serving 4 to 10-year sentence.*

*Figure 6.3: Hearing Guidelines*

III. Significant factors YES NO

A. Factors related to the inmate's prior criminal record:
1. Serious juvenile record ___ ___
2. Short interval between offenses ___ ___
3. History of crimes related to alcohol or drug abuse ___ ___
4. History of assaultive behavior ___ ___
5. Probation violation ___ ___
6. Professional drug dealer ___ ___

B. Factors related to the present offense:
1. Committed while on probation ___ ___
2. Committed while on parole ___ ___
3. Weapon or excessive force involved ___ ___
4. Relatively high degree of sophistication shown in crime ___ ___

C. Factors related to the inmate personally:
1. No motivation toward self-improvement ___ ___
2. Crime-oriented lifestyle ___ ___
3. Alcohol or drug habit so serious as to raise questions concerning the probability of his succeeding on parole ___ ___
4. Rebellious, hostile ___ ___
5. Anti-social attitude ___ ___
6. No remorse, does not understand nature of offense ___ ___
7. History of psychological problems ___ ___

Does the inmate have fewer than 5 YES checks in Section III? ___ ___

*If YES, grant parole. If NO, deny inmate serving 2-year sentence; review in 6 months inmate serving 3 to 5-year sentence; review in one year inmate serving sentence longer than 5 years.*

Guideline decision: ____________ Board Member decision: ____________

Date: ________________________ Board Member: ____________________

*For a decision outside the guidelines, please state the reasons:* ______

_____________________________________________________________

Figure 6.3: Hearing Guidelines (continued)

## Missouri Board of Probation and Parole
## Review Guidelines

For 1) inmates at reviews serving maximum sentences up to and including 10 years; and

2) inmates serving maximum sentences of 11 to 25 years who have served at least 20% of their maximum sentence.

*Inmates who have not served at least 20% of their maximum sentence should* **be** *deferred automatically.*

Time served: ________________ Maximum sentence: ____________

*Please answer all questions until reaching a decision.*

| | YES | NO |
|---|---|---|
| I. Has the inmate committed 3 or more minor infractions during the past year and/or one major infraction during the past year? | __ | __ |

*If NO, continue to II. If YES, deny inmate serving 3-year sentence; review in 6 months inmate serving 4 to 5-year sentence; review in one year inmate serving sentence longer than 5 years.*

Major infractions include, but are not limited to, the following: possession of weapon, possession of drugs, theft, creating a disturbance, assault, and escape or attempted escape.

*Figure 6.4: Review Guidelines*

## II. Significant factors

### A. Serious prior criminal record

*Add together all maximum sentences (juvenile and adult) on which the inmate actually served prison or jail time. Each commitment to a training school is equivalent to a one-year sentence. Exclude the present offense, suspended sentences, probations, and arrests not followed by convictions.*

Total = ____________

| | YES | NO |
|---|---|---|
| Does the total exceed 5 years? | ___ | ___ |
| B. Parole violation on this sentence | ___ | ___ |
| C. No motivation toward self-improvement | ___ | ___ |
| D. Alcohol or drug habit so serious as to raise questions concerning the probability of his succeeding on parole | ___ | ___ |
| E. Rebellious, hostile | ___ | ___ |
| F. Anti-social attitude | ___ | ___ |
| G. No remorse, does not understand nature of offense | ___ | ___ |
| H. Recent unfavorable psychological report *(Specify date: ____________)* | ___ | ___ |
| Does the inmate have 4 or more YES checks in Section II? | ___ | ___ |

*If NO, grant parole. If YES, deny inmate serving 3-year sentence; review in 6 months inmate serving 4 to 5-year sentence; review in one year inmate serving sentence longer than 5 years.*

Guideline decision: ____________ Board Member decision: ____________

Date: ____________ Board Member: ____________

*For a decision outside the guidelines, please state the reasons:* ___

______________________________________________

*Figure 6.4: Review Guidelines (continued)*

sample consisting of 492 cases. This sample did not differ substantially in its distribution from previous Missouri samples.

This Phase III data collection confirmed that both the hearing and review guidelines accurately reflected Board policy. Individually, each decision rule was validated. When Board decisions were compared with the guideline decisions, seen as four decision options, there was agreement in 86 percent of the cases.

An analysis of the reasons given for going outside the guidelines showed no identifiable patterns. This suggested that the decisions in question took into consideration unusual situations or conditions for which guideline decision rules could not be formulated.

## Pilot Study

Like the North Carolina Commission, the Missouri Board wanted the guidelines simplified to facilitate coding so that this information could be stored in their computer system. Using this new form (Figures 6.5 and 6.6), a six-month pilot project was initiated under the direction of the research staff of the Missouri Board of Probation and Parole. The purpose of the project is to continue the guideline validation process and to study Board decisions outside the guidelines.

## Conclusion

The Missouri analysis was complicated by a number of problems not encountered in previous studies in this project. These included the Board's use of multiple decision alternatives and the Board's perception of the inmate population as undifferentiated along most significant dimensions. In addition, the Board's decisions were predominantly influenced by criteria not adequately reflected in the Phase I data collection instrument. On the basis of the Phase I data, it was possible to identify the criteria, but not to develop guidelines explaining how the criteria were to be applied to individual decisions. These criteria were incorporated into a Phase II data collection instrument. Analysis of the Phase II data provided sufficient information for development of guidelines. The Phase III sample confirmed that these guidelines accurately reflected Board policy. The Missouri research illustrated that the case-classification model can be adapted to a multi-decision system. It further demonstrated the usefulness of employing checklists of items

## HEARING GUIDELINES

(For inmates at first eligibility with maximum sentences up to and including 10 years)

Time Served: ________________ Maximum Sentence: ________________

| | | | | |
|---|---|---|---|---|
| | | | YES | NO |
| POOR INSTITUTIONAL DISCIPLINE | | | ☐ | ☐ |
| SERIOUS PRIOR CRIMINAL RECORD | | | ☐ | ☐ |
| UNFAVORABLE FACTORS: | YES | NO | | |
| Serious juvenile record | ___ | ___ | | |
| Short interval between offenses | ___ | ___ | | |
| History of crimes related to alcohol or drug abuse | ___ | ___ | | |
| History of assaultive behavior | ___ | ___ | | |
| Probation violation | ___ | ___ | | |
| Professional drug dealer | ___ | ___ | | |
| Present offense committed while on probation | ___ | ___ | | |
| Present offense committed while on parole | ___ | ___ | | |
| Present offense involved weapon or excessive force | ___ | ___ | | |
| Relatively high degree of sophistication shown in crime | ___ | ___ | | |
| No motivation toward self-improvement | ___ | ___ | | |
| Crime-oriented lifestyle | ___ | ___ | | |
| Serious alcohol or drug habit | ___ | ___ | | |
| Rebellious, hostile | ___ | ___ | | |
| Anti-social attitude | ___ | ___ | | |
| No remorse, does not understand nature of offense | ___ | ___ | | |
| History of psychological problems | ___ | ___ | | |
| Five or more YES checks: | | | ☐ | ☐ |

For inmates with Poor Institutional Discipline, and/or Serious Prior Criminal Record, and/or 5 or more YES checks:

DENY INMATE SERVING 2 YEAR MAXIMUM SENTENCE
REVIEW IN 6 MONTHS INMATE SERVING 3-4 YEAR MAXIMUM SENTENCE
REVIEW IN 1 YEAR INMATE SERVING 5 OR MORE YEAR MAXIMUM SENTENCE

For all other inmates: GRANT PAROLE

---

Guideline Decision: ________ Board Decision: ________ Date: ______

For a decision outside the guidelines, please state the reasons: _____

_______________________________________________

*Figure 6.5: Hearing Guidelines, Phase IV*

## REVIEW GUIDELINES

(For inmates at reviews serving maximum sentences up to and including 10 years; and inmates serving maximum sentences of 11 to 25 years who have served at least 20% of their maximum sentence. Inmates who have not served at least 20% of their maximum sentence should be deferred automatically.)

Time Served: ____________________ Maximum Sentence: ________________

Time remaining until commutation: ______________________
(If less than 1 year, *deny parole*)

| | | | | |
|---|---|---|---|---|
| | | | YES | NO |
| POOR INSTITUTIONAL DISCIPLINE | | | ☐ | ☐ |
| UNFAVORABLE FACTORS: | YES | NO | | |
| Parole violation on this sentence | ___ | ___ | | |
| No motivation toward self-improvement | ___ | ___ | | |
| Serious alcohol or drug habit | ___ | ___ | | |
| Rebellious, hostile | ___ | ___ | | |
| Anti-social attitude | ___ | ___ | | |
| No remorse, does not understand nature of offense | ___ | ___ | | |
| Recent unfavorable psychological report | ___ | ___ | | |
| Five or more YES checks | | | ☐ | ☐ |

For inmates with Poor Institutional Discipline and/or 4 or more YES checks:

DENY INMATE SERVING 3 YEAR SENTENCE
REVIEW IN 6 MONTHS INMATE SERVING 4-5 YEAR SENTENCE
REVIEW IN 1 YEAR INMATE SERVING LONGER THAN 5 YEAR SENTENCE

For all other inmates: GRANT PAROLE

---

Guideline Decision: __________ Board Decision: __________ Date: _____

For a decision outside the guidelines, please state the reasons: _______

______________________________________________________________

*Figure 6.6: Review Guidelines, Phase IV*

representing Board criteria to identify Board policy regarding marginal parole candidates.

Here, as in the Virginia study, the paroling rate was fairly level during the entire project. In both studies, the samples following Phase I were relatively large. The fact that in both states the parole rate seemed to be uninfluenced by the guidelines suggests that samples large enough to reflect a representative cross-section of the Board's caseload will show similar paroling rates, with or without guidelines.

This seems to have implications for states using guidelines. Paroling rates are affected by numerous factors, such as changes in the characteristics of the inmate population, in the political climate of the state, in the seriousness of the overcrowding problem in correctional institutions and the availability of community resources. Assuming that these factors remained relatively constant, paroling rates across large samples should show little fluctuation with or without guidelines, if those guidelines reflect existing Board policy. Any drastic change in the paroling rate of large samples after implementation of the guidelines which is not attributable to one or more of these external factors should be interpreted to mean that the guidelines may be affecting policy and should be re-examined.

## Chapter 7

# CALIFORNIA YOUTH AUTHORITY

Don M. Gottfredson, Carol Rauh and Leslie T. Wilkins

The California Youth Authority is a large, complex paroling authority with responsibilities for release consideration decisions concerning about 12,000 Youth Authority wards annually under a legal structure providing considerable indeterminacy. The California Youth Authority Board is comprised of eight members, including its chairperson, who serves also as the Director of the Department of the Youth Authority. In carrying out its responsibility for decisions and policy formulation, the Board is assisted by ten hearing representatives.

The Board has jurisdiction over a wide variety of youthful offenders, including persons committed to the Youth Authority by both juvenile and criminal courts. The length of the Youth Authority jurisdiction varies according to the age of the ward and the jurisdiction of the committing court. For wards referred by the juvenile court, the Youth Authority has jurisdiction for two years or until the ward reaches age 21, whichever is later. For youths who have been convicted of misdemeanors or felonies where the court has discretion in sentencing, the judge may commit the offender to the Youth Authority (for designation as a misdemeanor or felony). In the misdemeanor cases, jurisdiction expires when the ward reaches age 23. For felony cases, the Youth Authority cannot hold the ward beyond his twenty-fifth birthday. For wards convicted of misdemeanors and felonies, the length of the jurisdiction is limited, however, by the offense for which the ward was convicted. Thus, the Board may not confine the ward beyond the statutory maximum provided for his or her conviction offense. In no instance may the Youth Authority assume jurisdiction over persons adjudged to have committed an offense after the age of 21. If the Youth Authority desires any extension of these specifications of jurisdiction, the authorization must be given by the sentencing court.

## Present Procedures

Within a short time (usually one month) after admission, the ward first appears before a panel of members and/or hearing representatives. Typically, this panel is comprised of two persons. By statute, the ward may be paroled at any moment, although, as is generally recognized and will be seen later, this rarely occurs at initial appearances. The decision taken at this time normally is in the form of a continuance, which may range from a few months to several years. The continuance sets the expected time of the next hearing. It is required, however, by Youth Authority policy that all wards are considered at least once a year.

Initial appearances and decisions may be further classified, in terms of policy at the time of this study, according to two types. Continuances could be set in accordance with Section 30 of the policy manual of the Youth Authority Board; or a "Board Referral: could be the decision outcome.[1]

Section 30 defined a specific policy governing the length of the initial continuance normally expected to be given to wards convicted of specified offenses. Included under this policy were all violent crimes, which were expected to receive one-year continuances, except for murder and manslaughter (voluntary and involuntary), which were expected to receive three-year continuances. Two-year continuances (postponement of consideration) could be given also for Youth Authority wards previously committed to the Youth Authority or wards whose parole had been revoked for the commission of a violent crime. For certain other offenses, including narcotics distribution, first-degree burglary, crimes involving the use of weapons, and repetitive crimes (such as a long series of burglaries), the initial set-off was expected to be one year.

All other cases, according to policy at the time of this study, were expected to be designated as "Board Referrals." At the resulting subsequent hearing, the Board could grant parole or set a continuance. The Board's policy permitted the reconsideration of such a case at any time.

From these procedures, a second general category of hearings was structured. These were (and continue to be) termed "progress hearings" and "annual reviews." At these hearings, the initial continuance may be modified (either shortened or extended). It may be noted that the ward's response to institutional programs or issues concerning adjustment to the institution could be considered at such hearings. Since parole may be granted at any time, it is clear that these proceedings too may be regarded as parole consideration hearings. In addition to the regularly scheduled progress hearings and annual reviews, Youth Authority staff may at any time request a change in the continuance date or recommend that a ward be granted parole.

---

[1] Although "Board Referrals" are no longer given by the California Youth Authority, this decision option was in effect at the time of data collection for the study.

## Research Planning in Collaboration with the Board

In response to the Board's expressed interest in collaborating in the project, two members of the project team met with the full Youth Authority Board in May, 1975. The background to the project, including an explanation of the general philosophy as described in Chapter 1, and a summary report of the project done in collaboration with the United States Parole Commission, were reviewed. It was suggested that a useful beginning point would be the completion of a simple form, derived from that used in the federal study, by the decision-makers at each hearing; that is, rather than collecting extensive data extracted from case files concerning the offenders, a documentation of the decision-makers' judgments on dimensions thought by board members to be relevant to these decisions would be collected.

As explained in Chapter 2, this was seen as a critical choice; the data collected would concern, at least in part, the subjective judgments of the decision-makers in contrast to a more objective codification from case records. It was assumed, however, that if the most important dimensions could be determined by this alternate, less costly means, the subjective data could later be transformed into more objective and reliable measures by development of appropriate operational definitions.

## Data Collection

This general strategy was accepted by the Board, and an initial proposed data collection form (adapted from the earlier work) was left with the Youth Authority Board for their advice, criticism, and elaboration. The resulting form, as modified by the Board, is shown in Appendix C, together with the forms used in other states. As may be seen, the form generally used was adapted to the California Youth Authority situation to indicate the relevant jurisdictional classifications and to include further information concerning the application of Section 30 of the present Board policy. Also, the Youth Authority Board desired the inclusion of a judgment concerning arrest record and the time served in local custody immediately before Youth Authority jurisdiction. In addition, the definitions of concepts (shown on the attachment to the form) were modified.

One form was completed for each case considered during the period of data collection; however, an attempt was made by the decision-maker completing the form to reflect the panel consensus. The collection of these data began on September 1, 1975 and continued through December 31, 1975 when 2,583 forms had been completed. It may be noted that the Youth Authority Board makes about 40,000 case decisions per year, including parole revocation determinations; all of the latter were excluded from the sample.

Although the intention was to include every case during the period of data collection, a seasonal bias may influence the sample. While this is a disadvantage, restricting generalizations which may be made from the descriptive analyses, the intent at this stage was to determine the major dimensions of concern to the Board. The seasonal bias was not considered to be a serious problem for this purpose.

## Methods and Results

As a first step toward understanding the nature of the decision problem and the relations among the data items collected on the questionnaire, various descriptive analyses were done and reported back to the members of the Board.[2]

Parole granting at the two general types of hearings, analyzed by broad offense groups, is shown in Table 7.1. There are many more progress or annual review hearings than admissions or readmissions hearings, with two-thirds of those appearing for progress or annual review hearings

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[2] The total sample size in the analyses to be described varies from the 2,583 cited above since the analyses were completed on samples in which all relevant data were available; that is, cases containing missing values for the variables under study were excluded.

Table 7.1

Wards Granted Parole at Admissions and Reviews Hearings, Analyzed by Offense Clusters

| | | Admissions/Readmissions | | Progress/Annual Review | |
|---|---|---|---|---|---|
| Offense Cluster | Number | Number | Percent Granted | Number | Percent Granted |
| Homicide | 139 | 48 | 0 | 91 | 24 |
| Assault | 466 | 186 | 4 | 280 | 65 |
| Sex offenses | 110 | 27 | 0 | 83 | 46 |
| Burglary, 1st | 282 | 134 | 7 | 148 | 74 |
| Drug sales | 45 | 13 | 0 | 32 | 75 |
| Burglary, other | 242 | 108 | 7 | 134 | 80 |
| Larceny/checks | 111 | 51 | 12 | 60 | 80 |
| Auto theft | 177 | 72 | 8 | 105 | 73 |
| Poss. drug/alc. | 66 | 11 | 9 | 55 | 87 |
| Driving offenses | 24 | 9 | 11 | 15 | 87 |
| Destruction | 11 | 4 | 0 | 7 | 86 |
| Escape | 90 | 37 | 24 | 53 | 74 |
| Other | 54 | 14 | 21 | 40 | 82 |
| Robbery | 506 | 214 | 1 | 292 | 66 |
| Total | 2,323 | 928 | 6 | 1,395 | 67 |

granted parole, compared with only six percent at the initial hearings. Thus, the probability of granting parole at the initial hearing is quite small, though occasionally wards convicted of such offenses as larceny, check fraud, driving offenses, or escape are paroled.

At progress or annual reviews, the proportions paroled vary markedly with offense classifications. Thus, the probability of parole for some classifications (burglary other than first degree, larceny, check frauds, possession, driving offenses, and destruction of property) is eight out of ten or better; but offenders committed for homicide or for sex offenses, are, as might be expected, less likely to be paroled. The most notable features of Table 7.1 are that (1) wards are sometimes, but rarely, paroled from admissions hearings, that (2) two-thirds were paroled from this "cross section" of progress and annual review hearings, and that (3) there is some variation in the rate of parole by offense classifications.

In the progress and annual review hearings, as seen in Table 7.2, there is considerable variation in wards according to the judgments of the decision-makers on the items included in the questionnaire. For example, the average parole prognosis or "risk" is seen as .50; that is, on the average, decision-makers judged these wards to have a 50:50 chance of favorable parole outcomes; that wards are perceived to be markedly different in risk is reflected in the standard deviation of 20.[3]

At these hearings, the typical ward has been considered twice already, has served about a year under the Youth Authority jurisdiction, and could be confined for another three years on the average.

Differences between the groups of wards paroled and continued were found for some but not all the variables included. Wards paroled were rated as having committed, on the average, less serious offenses, to be better risks, to have somewhat better institutional behavior, to have

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[3] In reviewing Table 7.2, the reader should bear in mind the differing ranges of the scales used in the questionnaire (Appendix C). Thus, seriousness and risk have wider ranges than the other ratings. Data for the last three rows in the table are for months. Data for prior hearings are the number of prior parole consideration hearings, including the admission/readmission hearing; the rest are decision-maker ratings.

Table 7.2

Decision-Maker Ratings at Progress and Annual Review Hearings, Analyzed by Decisions to Grant Parole or Continue

| Variables | Total | | | Granted | | | Continued | | | F | t |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation | | |
| Seriousness of offense | 1,369 | 60 | 19 | 927 | 57 | 19 | 442 | 68 | 18 | 1.036 | 10.29* |
| Parole Prognosis | 1,342 | 50 | 20 | 913 | 52 | 19 | 429 | 46 | 20 | 1.041 | -5.59* |
| Institutional Discipline | 1,382 | 36 | 10 | 935 | 37 | 9 | 447 | 33 | 11 | 1.625* | - |
| Program Participation | 1,375 | 37 | 9 | 933 | 38 | 8 | 442 | 35 | 11 | 1.812* | - |
| Assaultive Potential | 1,364 | 29 | 11 | 923 | 27 | 10 | 441 | 32 | 11 | 1.331* | - |
| Prior Criminal Record | 1,351 | 29 | 11 | 914 | 29 | 11 | 437 | 29 | 12 | 1.152 | 0.13 |
| Social Stability | 1,323 | 24 | 8 | 891 | 25 | 7 | 432 | 23 | 8 | 1.190 | -2.53 |
| Arrest Record | 1,340 | 32 | 11 | 902 | 32 | 11 | 438 | 32 | 11 | 1.039 | 0.33 |
| Number of Prior Hearings | 1,394 | 2 | 2 | 939 | 2 | 2 | 455 | 2 | 2 | 1.082 | 1.21 |
| Number of Months Served in CYA | 1,395 | 12 | 7 | 940 | 12 | 7 | 455 | 14 | 7 | 1.025 | 4.40* |
| Months Remaining Jurisdiction | 1,395 | 36 | 16 | 940 | 35 | 16 | 455 | 37 | 17 | 1.051 | 1.92 |
| Months Continued | 455 | 8 | 7 | - | - | - | 455 | 8 | 7 | - | - |

* Significant at the one-percent level of confidence

more favorable institutional programs, and to have a lower potential for assaultive behavior. They were, however, rated similarly as to prior criminal record and arrest record. Wards continued had served, on the average, two months longer. The two groups did not differ markedly on time left under possible Youth Authority jurisdiction (though wards continued had, on the average, two months more remaining).

The comparisons on the same measures for wards meeting the criteria of Section 30 with those who did not are shown in Table 7.3. These data are based on all those available, that is, disregarding the type of hearing. The Section 30 offenses were judged more serious, on the average, as expected (since this is intended as a seriousness classification). There is nevertheless a substantial variation in seriousness judgments *within* the two classes, and the distributions overlap. Section 30 wards are perceived as slightly poorer risks, on the average, and as having a rather greater potential for assaultive behavior. The two groups do not differ markedly on assessments of institutional discipline, program participation, prior criminal record, arrest record, or social stability.

Among those wards classified as Section 30 cases, the differences in decision-maker ratings between those granted parole and continued are shown in Table 7.4. Again, there are differences in the expected directions on the judgments of seriousness, risk, discipline, program participation and assaultive potential. Similar differences were found among the non-Section 30 offenses, as may be seen in the same table. When type of hearing is ignored, wards paroled have served more California Youth Authority time (among both Section 30 and non-Section 30 wards). The average remaining jurisdiction is longer for continued wards in both general offense classifications.

## Tentative Models

Following the method used in the United States Parole Commission study, simple equations were sought (by multiple regression) which would summarize these relations and perhaps point to proposed models.[4] Two alternative general strategies for development of guidelines were considered.

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[4] See note 8, page 29, Chapter 2.

Table 7.3

Decision-Maker Ratings of Section 30 and Non-Section 30 Offenses

| Variables | Section 30 Offenses | | | Non-Section 30 Offenses | | | | |
|---|---|---|---|---|---|---|---|---|
| | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation | F | t |
| Seriousness of Offense | 1,511 | 68 | 15 | 778 | 45 | 16 | 1.074 | -34.54* |
| Parole Prognosis | 1,448 | 47 | 21 | 763 | 48 | 20 | 1.068 | 1.50 |
| Institutional Discipline | 1,374 | 35 | 10 | 732 | 35 | 9 | 1.104 | 0.12 |
| Program Participation | 1,348 | 36 | 9 | 713 | 36 | 8 | 1.224* | - |
| Assaultive Potential | 1,486 | 33 | 11 | 770 | 24 | 9 | 1.398* | - |
| Prior Criminal Record | 1,485 | 29 | 12 | 774 | 29 | 10 | 1.247* | - |
| Social Stability | 1,456 | 23 | 8 | 744 | 23 | 8 | 1.081 | -1.87 |
| Arrest Record | 1,473 | 32 | 11 | 766 | 32 | 10 | 1.222* | - |
| Number of Prior Hearings | 1,525 | 1 | 2 | 795 | 1 | 2 | 1.009 | -1.48 |
| Number of Months Served in CYA | 1,527 | 9 | 8 | 796 | 6 | 6 | 1.900* | - |
| Months Remaining Jurisdiction | 1,527 | 42 | 17 | 796 | 39 | 16 | 1.141 | -4.70* |

* Significant at the one-percent level of confidence

Table 7.4

Decision-Maker Ratings for Section 30 and Non-Section 30 Offenses,
Analyzed by Decisions to Grant Parole or Continue

| Variables | Section 30 Offenses | | | | | | | | Non-Section 30 Offenses | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Granted | | | Continued | | | | | Granted | | | Continued | | | | |
| | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation | F | t | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation | F | t |
| Seriousness of Offense | 568 | 65 | 15 | 943 | 70 | 15 | 1.026 | 6.12* | 412 | 43 | 16 | 366 | 46 | 16 | 1.062 | 2.36 |
| Parole Prognosis | 560 | 53 | 19 | 888 | 43 | 20 | 1.147 | -9.13* | 406 | 52 | 20 | 357 | 44 | 19 | 1.114 | -6.13* |
| Institutional Discipline | 568 | 38 | 9 | 806 | 34 | 10 | 1.218* | - | 411 | 37 | 9 | 321 | 33 | 9 | 1.094 | -6.44* |
| Program Participation | 567 | 39 | 8 | 781 | 35 | 9 | 1.286* | - | 410 | 38 | 8 | 303 | 33 | 8 | 1.191 | -7.68* |
| Assaultive Potential | 565 | 29 | 10 | 921 | 35 | 11 | 1.214* | - | 412 | 22 | 8 | 358 | 25 | 10 | 1.375* | - |
| Prior Criminal Record | 561 | 29 | 12 | 924 | 29 | 12 | 1.056 | 0.17 | 406 | 29 | 10 | 368 | 30 | 10 | 1.000 | 1.45 |
| Social Stability | 547 | 25 | 8 | 909 | 22 | 8 | 1.077 | -6.50* | 393 | 24 | 7 | 351 | 22 | 7 | 1.017 | -3.97* |
| Arrest Record | 551 | 32 | 11 | 922 | 32 | 11 | 1.047 | 1.02 | 404 | 31 | 10 | 362 | 33 | 10 | 1.092 | 2.37 |
| Number of Prior Hearings | 575 | 2 | 2 | 950 | 1 | 1 | 1.204* | - | 417 | 2 | 2 | 378 | 1 | 1 | 1.075 | -10.75* |
| Number of Months Served in CYA | 576 | 13 | 8 | 951 | 6 | 8 | 1.101 | -16.91* | 418 | 9 | 6 | 378 | 4 | 5 | 1.455* | - |
| Months Remaining Jurisdiction | 576 | 36 | 17 | 951 | 46 | 17 | 1.034 | 11.62* | 418 | 35 | 15 | 378 | 43 | 16 | 1.054 | 7.75* |
| Months Continued | - | - | - | 951 | 12 | 8 | - | - | - | - | - | 378 | 7 | 4 | - | - |

* Significant at the one-percent level of confidence

In the first method, the objective was to discriminate between wards likely to be paroled and those apt to be continued. If the ward is continued, then there is a further decision problem: How long? The latter question is complicated by the possible need to consider the initial hearings separately from the progress or annual review hearings.

The second method ignored the issue of granting or denying parole at any particular hearing. On the assumption that the decision process is one of deferred sentencing, the objective was to estimate the expected length of time the ward is to be kept in confinement before parole. Nearly all wards are released on parole at some time.

The summary of the analysis of parole granting is shown in Table 7.5. This is the first question asked in the method first described above; that is, the purpose is to determine whether wards paroled and continued can be distinguished. The multiple correlation coefficient of .54 (with seven independent variables included) indicates that a rough but not close prediction of the probability of parole may be discerned from the judgments of seriousness, prognosis, institutional discipline, and assaultive potential, once time served already (under Youth Authority jurisdiction), time remaining under possible California Youth Authority jurisdiction, and the number of prior parole hearings are also known. Aside from the indicants of the ward's status (such as remaining jurisdiction and time served so far), there are moderately low correlations with the decision, in the expected directions, for ratings of assaultive potential, discipline, prognosis, and seriousness.

When the equation was sought for estimation of length of continuance for wards at initial hearings, the summary shown in Table 7.6 was obtained. Only three variables were found useful: a clustering of offenses including assault and robbery, the judged seriousness of the offense, and the rated assaultive potential. The multiple correlation coefficient of .70 indicated that variation in time continued, for this group of wards, is quite well accounted for by these three concerns. It should be noted that the seriousness ratings by themselves correlated .65 with months continued, so that this rating provides most of the information. Results for the similar analysis, considering only wards continued at progress hearings and annual reviews are shown in Table 7.7. Combining judgments of seriousness and institutional discipline with the ward status variables resulted in a multiple correlation of .40.

## Table 7.5

### Regression of Ward Status Variables and Decision-Maker Ratings on Parole Decision Outcomes (Grant/Continue) (N = 1,972)

| Variable* | Multiple Correlation Coefficient | $R^2$ | Change in $R^2$ | Correlation Coefficient** | B | Beta |
|---|---|---|---|---|---|---|
| Remaining Jurisdiction | .28 | .08 | .08 | -.28 | -.004 | -.128 |
| Seriousness of Offense | .33 | .11 | .04 | -.19 | -.005 | -.184 |
| Parole Prognosis | .38 | .15 | .04 | .20 | .001 | .053 |
| Institutional Discipline | .42 | .17 | .03 | .21 | .012 | .218 |
| Assaultive Potential | .42 | .18 | .01 | -.24 | -.005 | -.108 |
| Number of Prior Hearings | .53 | .28 | .10 | .36 | .070 | .222 |
| Number of Months Served | .54 | .29 | .01 | .32 | .012 | .181 |
| Constant | | | | | .378 | |

* Point biserial correlation coefficients, with the decision outcome scored parole = 1, continue = 0

** Variables were excluded when less than one-percent increase in $R^2$ obtained by inclusion

Table 7.6

Regression of Ward Status and Decision-Maker Ratings
on Number of Months Continued at Initial Hearings (N = 832)

| Variable | Multiple Correlation Coefficient | $R^2$ | Change in $R^2$ | Correlation Coefficient | B | Beta |
|---|---|---|---|---|---|---|
| Assault/Robbery | .11 | .01 | .01 | -.11 | -4.614 | -.148 |
| Seriousness of Offense | .66 | .44 | .42 | .65 | .187 | .477 |
| Assaultive Potential | .70 | .49 | .05 | .56 | .183 | .291 |
| Constant | | | | | -4.832 | |

Table 7.7

Regression of Ward Status and Decision-Maker Ratings on Number of Months Continued at Progress and Annual Review Hearings (N = 435)

| Variable | Multiple Correlation Coefficient | $R^2$ | Change in $R^2$ | Correlation Coefficient | B | Beta |
|---|---|---|---|---|---|---|
| Assault/Robbery | .14 | .02 | .02 | -.14 | -.034 | -.066 |
| Seriousness of Offense | .31 | .09 | .07 | .30 | .124 | .334 |
| Institutional Discipline | .36 | .13 | .03 | -.17 | -.117 | -.193 |
| Time Served under CYA | .38 | .14 | .01 | .03 | -.090 | -.092 |
| Time Left under CYA | .40 | .16 | .02 | .14 | .056 | .136 |
| Constant | | | | | 2.277 | |

Considering these two analyses together lends support to the contention that at initial hearings a principle concern, in setting the length of continuance for wards not paroled, is the perceived seriousness of the offense. While still important at later hearings, more attention then is given to judgments of institutional discipline. At initial hearings, of course, there has been little experience with the ward's behavior in the institution.

In order to investigate a possible structure for the second alternative model (indicating for all cases the expected time before parole), a similar analysis was completed. The dependent variable was time served in months in the California Youth Authority. It must be noted that the sample studied was restricted to those released under parole supervision. This seemed reasonable, however, because parole is the preferred mode of release from the institution in this jurisdiction. The multiple correlation of .50 indicated that the linear combination of four variables accounted for one-fourth of the variance in time served (Table 7.8). The best single predictor (with a correlation of .41) is the judged seriousness of the offense. One other judgment is included in the equation; this is the rating of assaultive potential. The inclusion of this latter item does not add markedly to the accuracy of the estimate. The other apparently useful items are the judgment concerning institutional discipline and the amount of time remaining under Youth Authority jurisdiction.

The intercorrelations of the various items are shown in Table 7.9. The coefficients differ slightly in some instances as a result of including, for these calculations, all cases when data for paired variables was known.[5] The correlation coefficients are shown in the lower half of the table; the numbers of cases included are shown at the top. Some correlations are quite high. Notably, institutional discipline and program participation are correlated .80. The social stability and parole prognosis items are correlated .53; and the latter (ratings of risk) are moderately correlated also with institutional discipline (.34), program participation (.34), assaultive potential (-.30), prior criminal record (-.41), and arrest record (-.44). Prior criminal record and arrest record are correlated (.79).

---

[5] In the regression analyses, cases were included only when data for all variables in the analyses were known.

## Table 7.8

Regression of Ward Status and Decision-Maker Ratings on Months Served in the California Youth Authority by Wards Granted Parole (N = 952)

| Variables | Multiple Correlation Coefficient | $R^2$ | Change in $R^2$ | Correlation Coefficient | B | Beta |
|---|---|---|---|---|---|---|
| Time Remaining under CYA | .20 | .04 | .04 | -.20 | -.031 | -.113 |
| Seriousness of Offense | .44 | .20 | .16 | .41 | .129 | .334 |
| Institutional Discipline | .49 | .24 | .05 | -.25 | -.166 | -.199 |
| Assaultive Potential | .50 | .26 | .01 | .35 | .095 | .129 |
| Constant | | | | | 9.565 | |

Table 7.9

Correlations of Decision-Maker Ratings of Ward Status Variables, Time Served, and Remaining Jurisdiction for Wards Granted Parole*

| | Variables | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Seriousness of Offense | | 958 | 966 | 964 | 964 | 954 | 927 | 942 | 979 | 980 | 980 |
| 2 | Parole Prognosis | -.08 | | 953 | 951 | 950 | 941 | 915 | 928 | 964 | 966 | 966 |
| 3 | Institutional Discipline | .00 | .34 | | 976 | 965 | 955 | 929 | 943 | 977 | 979 | 979 |
| 4 | Program Participation | .02 | .34 | .80 | | 963 | 953 | 928 | 941 | 975 | 977 | 977 |
| 5 | Assaultive Potential | .50 | -.30 | -.20 | -.14 | | 958 | 932 | 947 | 975 | 977 | 977 |
| 6 | Prior Criminal Record | .19 | -.41 | -.08 | -.04 | .35 | | 929 | 942 | 965 | 967 | 967 |
| 7 | Social Stability | .04 | .53 | .26 | .29 | -.10 | -.24 | | 914 | 938 | 940 | 940 |
| 8 | Arrest Record | .18 | -.44 | -.12 | -.08 | .37 | .79 | -.26 | | 953 | 955 | 955 |
| 9 | Number of Prior Hearings | .23 | -.16 | -.30 | -.21 | .24 | .12 | -.03 | .16 | | 992 | 992 |
| 10 | Number of Months Served | .41 | -.09 | -.24 | -.16 | .36 | .09 | .00 | .11 | .68 | | 994 |
| 11 | Months remaining Jurisdiction | -.10 | .19 | .16 | .14 | -.17 | -.22 | .07 | -.22 | -.25 | -.20 | |

* Correlation coefficients are shown below the diagonal (i.e., lower portion of table); numbers entering the computation are drawn above the diagonal (i.e., upper portion). Significant correlations ($p < .01$) are underlined.

## Adaptation of the Equations to Tentative Guideline Models

One model could provide a sequential decision scheme. First, a structure is given for the decision as to whether to parole or not. Given that the decision is to deny parole, that is, to continue, the model then provides a device for ascertaining the expected length of continuance. A guide to the first decision, adapted from the regression equation, could be developed as shown in Figure 7.1. It may be noted that three of the elements could be completed by staff, although the judgments required must be made by the decision-makers. Such a model still would include a substantial element of subjective judgment. It would, however, require that these judgments be made explicitly -- a step toward the kind of guidelines desired. In the case of the parole prognosis item, substitution of the empirically-derived base expectancy prediction scores already available and extensively tested in the California Youth Authority could be considered.

The relation of the scores generated by the procedures defined in Figure 7.1 to the granting of parole is depicted in Table 7.10. The proportions granted parole decrease with decreasing scores. The three general categories indicated by the dotted lines were defined somewhat arbitrarily and after inspection of the data in order to identify, if possible, substantial groups with high and low probabilities of parole. It should be noted that these data all relate to the sample initially studied and do not constitute a "validation" or "test" sample. The risk of capitalizing on chance variation is enhanced in the absence of such repeated samples; but the availability of these awaits further study. Since the association of scores and parole granting is somewhat modest, there is a substantial "middle group" (30 percent of cases) where little guidance is given. Therefore, the possible decision rule, shown in Figure 7.1, was suggested.

This indicates that wards achieving a score of 59 or above according to the determination in Figure 7.1, which is about 40 percent of all cases, would be paroled. From these data, it would be expected that nine percent of cases (according to present practices) would fall outside the guidelines -- that is, would be continued for later hearings. On the other hand, those wards with scores of 20 or less would be continued. Again, some would be expected to be paroled; these would comprise about three percent of all in that category.

There remains the middle group of wards, with scores or 21 through 58, for whom a Panel Review of concerns be-

## Decision Expectancy: Grant parole/Continue
(to determine whether to grant parole)

**Type of meeting:** ________________________________

*Please complete all items. Parts A and B must be completed separately. PAROLE SCORE is obtained by subtracting Total B from Total A. Items in italics may be completed by a staff person.*

A. 1. *Months served under CYA (present commitment)* _____

2. *Number of prior hearings (present commitment):*

________ *x 7* = _____

3. Institutional discipline:

| very poor | poor | adequate | good | very good |
|---|---|---|---|---|
| 10 | 20 | 30 | 40 | 50 |

_____

4. Parole prognosis:

________________________________________
0 10 20 30 40 50 60 70 80 90 100
very unfavorable very favorable _____

5. Add 70 for all cases 70

+

ADD A 1 THROUGH A 5: TOTAL A = _____

B. 1. *Months to expiration of CYA jurisdiction* _____

2. Seriousness of the offense:

________________________________
10 20 30 40 50 60 70 80 90
trivial most serious _____

3. Assaultive potential:

| very low | low | moderate | high | very high |
|---|---|---|---|---|
| 10 | 20 | 30 | 40 | 50 |

_____

+

ADD B 1 THROUGH B 3: TOTAL B = ☐

C. PAROLE SCORE: ☐ - ☐ = ☐

TOTAL A TOTAL B PAROLE SCORE

*Figure 7.1: Decision Expectancy: Grant parole/Continue*

DECISION RULE

| | Parole Score | Decision Policy |
|---|---|---|
| 1. | 59 or above | Grant parole* |
| 2. | 21 - 58 | Panel Review** |
| 3. | 20 or below (including negative numbers) | Continue under CYA* |

* Reasons to be given for departures
** Reasons to be given in all cases

DECISION:

Grant parole ___ Panel review required ___ Continue under CYA ___

*If the decision is to continue under CYA, please consult one of the following tables to determine the appropriate length of continuance:*

Figure 7.2 *if this was an Admissions or Readmission Hearing*
Figure 7.3 *if this was a Progress Hearing or Annual Review*

Reasons for decision (if required by Decision Rule):

Favorable factors:

___ Good response to CYA programs
___ Recent good conduct
___ Family is supportive
___ Crimes were not against person(s)
___ Minor role in the offense
___ No weapon involved
___ Continued treatment planned following release
___ Other: ____________________________

____________________________

Unfavorable factors:

___ Serious nature of offense
___ Seriousness of prior record
___ Previous parole violations
___ Previous probation violations
___ Disciplinary problems while under CYA
___ Recent unfavorable psychological report
___ Drug use or addiction
___ No community support
___ Other: ____________________________

____________________________

Board Member: ____________________________ Date: ____________________________

*Figure 7.1: Decision Expectancy: Grant parole/Continue (continued)*

Table 7.10

Parole Scores and Parole Granting

| Score Range | Number | Number Granted | Percent Granted | Cases Included (Percent) |
|---|---|---|---|---|
| 0 and under | 383 | 29 | 8 | 19 |
| 1 - 20 | 217 | 51 | 24 | 11 |
| 21 - 34 | 195 | 80 | 41 | 10 |
| 35 - 47 | 195 | 90 | 46 | 10 |
| 48 - 58 | 196 | 108 | 55 | 10 |
| 59 - 69 | 198 | 126 | 64 | 10 |
| 70 - 82 | 201 | 151 | 75 | 10 |
| 83 - 102 | 195 | 144 | 74 | 10 |
| 103 - 223 | 192 | 151 | 79 | 10 |
| Total | 1,972 | 930 | 47 | 100 |

yond those already included in the model would be addressed. This scheme generally would provide (judging from this sample) for more than half (57 percent) of the decisions (parole versus continue) as consistent with the general policy articulated by the decision rule. About 43 percent still would require a further articulation of reasons for the decision. This would include 12 or 13 percent being required on the basis of unusual circumstances of the offense or offender such that the general policy was inappropriate; and it would include the giving of reasons for all those in the 30 percent with middle range scores. Thus, rather than requiring reasons for all decisions, reasons would be required in a considerably decreased number. As already noted, however, reasons would not be explicitly identified in support of the subjective assessments of items such as prognosis or assaultive potential.

If the ward is continued for hearing at a later date, then it is necessary to decide on the appropriate length of the continuance. A first step is to determine the type of hearing, since different policy issues are concerned in the case of initial hearings (admissions or readmissions) and progress or annual review hearings.

In the case of admission or readmission hearings, Figure 7.2 indicates a possible procedure. Staff could complete item B since this relates only to the commitment offense. The decision-makers, however, must make the necessary judgments on seriousness of the offense and assaultive potential. The scores thereby generated are related to continuances as shown in Table 7.11; the median length of continuances increases with higher scores (from seven to 24 months). This table suggests, on the basis of the sample studied, a proposed model setting a minimum and maximum continuance range for five class intervals of scores. It indicates also the numbers and percentages of cases "outside" each category these guidelines in the present sample. The medians provide a further guide. The ranges, shown in Table 7.11, are rather broad; they could be more restricted (allowing less discretion) at the cost of somewhat larger numbers of cases outside the guidelines (requiring, it is assumed, the giving of reasons).

When the ward has appeared for a progress or annual review hearing, a similar model shown in Figure 7.3 could provide a basis for guidelines. Again, certain elements could be completed by staff support to the decision-making body. These items include the number of months to expiration of the agency's jurisdiction and the number of months

## Expected Length of Continuance at Admissions and Readmissions Hearings (for wards not granted parole)

*Please complete all items. Parts A and B must be completed separately; CONTINUANCE SCORE is obtained by subtracting Total B from Total A. Items in italics may be completed by a staff person.*

A. 1. Seriousness of the Offense: ____________ x 2 =

10 20 30 40 50 60 70 80 90 100
trivial most serious

____

2. Assaultive potential: ____________ x 2 =

| very low | low | moderate | high | very high |
|---|---|---|---|---|
| 10 | 20 | 30 | 40 | 50 |

____

+ ____________

ADD A 1 AND A 2: TOTAL A = ☐

*B. If the commitment was for any of the following offenses, add 46.*

*Assault (Simple or Aggravated)*
*Robbery (Simple or Armed)*
*Kidnapping*
*Arson*
*Weapons Violation*

*If the commitment was for any other offense, add 0.*

TOTAL B = ☐

C. CONTINUANCE SCORE:

| ☐ | - | ☐ | = | ☐ |
|---|---|---|---|---|
| TOTAL A | | TOTAL B | | CONTINUANCE SCORE |

*Figure 7.2: Length of Continuance (Admissions/Readmissions)*

### EXPECTED LENGTH OF CONTINUANCE AT ADMISSIONS AND READMISSIONS HEARINGS

| | Score Range | Continuance Range* | Median Time Continued |
|---|---|---|---|
| 1. | 98 or less | 1 to 12 months | 7 months |
| 2. | 99 - 130 | 1 to 15 months | 9 months |
| 3. | 131 - 178 | 3 to 18 months | 12 months |
| 4. | 179 - 210 | 6 to 24 months | 15 months |
| 5. | 211 or more | 6 to 36 months | 24 months |

* Reasons to be given for departures

Length of continuance: ________ months

Date of next hearing: ________________

* Reasons for departure (if guidelines were not followed):

| Favorable factors: | Unfavorable factors: |
|---|---|
| ____ Minor role in offense | ____ Serious nature of offense |
| ____ No weapon involved | ____ Needs treatment programs |
| ____ Other. ____________ | ____ Crime against person(s) |
| ________________ | ____ Other: ________________ |
| | ________________________ |

Board Member: ______________________ Date: ____________________

*Figure 7.2: Length of Continuance (Admissions/Readmissions) (continued)*

## Table 7.11

## Continuance Scores and Continuance Decisions: Admissions or Readmissions Hearings

| Score Range | Continuance Range | Number | Number Outside | Percent Outside | Median Months Continued |
|---|---|---|---|---|---|
| A. 98 or less | 1 - 12 months | 240 | 2 | 1 | 7 months |
| B. 99 - 130 | 1 - 15 months | 127 | 0 | 0 | 9 months |
| C. 131 - 178 | 3 - 18 months | 273 | 10 | 4 | 12 months |
| D. 179 - 210 | 6 - 24 months | 98 | 2 | 2 | 15 months |
| E. 211 or more | 6 - 36 months | 94 | 5 | 5 | 24 months |
| Total | | 832 | | | |

### California Youth Authority
### Expected Length of Continuance at Progress Hearings or Annual Reviews
### (for wards not granted parole)

*Please complete all items. Parts A and B must be completed separately; CONTINUANCE SCORE is obtained by subtracting Total B from Total A. Items in italics may be completed by a staff person.*

A. 1. Seriousness of the offense:

10 20 30 40 50 60 70 80 90
trivial ... most serious

____

2. *Months to expiration of CYA jurisdiction* ____

3. Add 23 for all cases + 23

ADD A 1 THROUGH A 3: TOTAL A = ☐

B. 1. Institutional discipline:

| very poor | poor | adequate | good | very good |
|---|---|---|---|---|
| 10 | 20 | 30 | 40 | 50 |

____

2. *Months served under CYA* + ____

ADD B 1 and B 2: TOTAL B = ☐

C. CONTINUANCE SCORE:

☐ TOTAL A - ☐ TOTAL B = ☐ CONTINUANCE SCORE

*Figure 7.3: Length of Continuance (Progress Hearings/Annual Reviews)*

EXPECTED LENGTH OF CONTINUANCE AT
PROGRESS HEARINGS OR ANNUAL REVIEWS

| | Score Range | Maximum Continuance* | Median Time Continued |
|---|---|---|---|
| 1. | 75 or less | 12 months | 4 months |
| 2. | 76 - 90 | 12 months | 5 months |
| 3. | 91 - 127 | 15 months | 5 months |
| 4. | 128 or more | 18 months | 7 months |
| | | 24 months | 16 months |

* Reasons to be given for departures

Length of continuance: ______________ months

Date of next hearing: ______________________

* Reasons for departure (if guidelines were not followed):

Unfavorable factors:

____ Needs to complete program(s)

____ Serious nature of offense

____ Recent unfavorable psychological report

____ Disciplinary problems while under CYA

____ Negative staff evaluations

____ No community support

____ Other: __________________

________________________

Board Member: ________________________  Date: __________________

*Figure 7.3: Length of Continuance (Progress Hearings/Annual Reviews) (continued)*

already served.[6] The decision-makers' judgments on seriousness and institutional discipline complete all the data necessary to generate the score shown in relation to continuances in Table 7.12. For these cases, four score ranges are shown with maximum continuances ranging from 12 to 24 months. The median times continued, in the sample studied, vary from four months to 16 months. Lower bounds to the continuance ranges have not been specified as the data inspected for wards continued from this set of hearings did not suggest it; that is, it may be more fitting with present Youth Authority practices to allow continuances and reassessment at intervals for a few wards in any of these classifications.

The first general method, then, provided first a tentative model for the parole/continue decisions. In the event that the decision is to continue, the appropriate one of two additional models would be selected; one would be used for initial hearings, the other for progress and annual reviews.

The second general method has a different basis. Ignoring the decision, parole/continue, a method is sought to provide simply an expected range of time to be served. A general expectation of total time to be incarcerated would guide decisions on paroles and continuances. The information and judgments required are shown in Figure 7.4. Although staff could complete the total number of months before California Youth Authority jurisdiction expectation, three decision-maker judgments are required: on seriousness, assaultive potential, and institutional discipline. When these scores are grouped into five intervals, ranges of time to be served associated with these classes are shown in Table 7.13. Among the five categories of wards thus classified, the median number of months expected (from the present sample) ranges from six months to sixteen months. The range of discretion, within policy, increases with longer average time expectancies.

## Model Revisions

These results were presented to the Board for discussion. It was recognized that a serious limitation to the operational use of the models developed was in the reliance placed upon subjective judgment for the necessary

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[6] The item, "assault/robbery" listed in Table 7.7 is ignored for simplicity; the value of the unstandardized regression coefficient is such that scores would be changed a trivial amount by its inclusion.

Table 7.12

Continuance Scores and Continuance Decisions: Progress or Annual Review Hearings

| Score Range | Maximum Continuance | Number | Number Outside | Percent Outside | Median Months Continued |
|---|---|---|---|---|---|
| A. 75 or less | 12 months | 171 | 7 | 4 | 4 months |
| B. 76 - 90 | 15 months | 116 | 9 | 8 | 5 months |
| C. 91 - 127 | 18 months | 121 | 11 | 8 | 7 months |
| D. 128 or more | 24 months | 27 | 7 | 26 | 16 months |
| Total |  | 435 |  |  |  |

### California Youth Authority
### Expectancy for Time Served

*Please complete all items. Parts A and B must be completed separately. TIME SERVED SCORE is obtained by subtracting Total B from Total A. Items in italics may be completed by a staff person.*

A. 1. Seriousness of the offense:

10 20 30 40 50 60 70 80 90
trivial most serious ____

2. Assaultive potential:

| very low | low | moderate | high | very high | |
|---|---|---|---|---|---|
| 10 | 20 | 30 | 40 | 50 | ____ |

3. Add 96 for all cases 96
+

ADD A 1 THROUGH A 3: TOTAL A = ☐

B. 1. Institutional discipline:

| very poor | poor | adequate | good | very good | |
|---|---|---|---|---|---|
| 10 | 20 | 30 | 40 | 50 | ____ |

2. *Months to expiration of CYA jurisdiction* ____
+

ADD B 1 AND B 2: TOTAL B = ☐

C. TIME SERVED SCORE:

☐ - ☐ = ☐
TOTAL A TOTAL B TIME SERVED SCORE

*Figure 7.4: Expectancy for Time Served*

EXPECTANCY FOR TIME SERVED

| | Score Range | Range of Time to be Served* | Median Time Served |
|---|---|---|---|
| 1. | 3 or less (including negative numbers) | 1 to 9 months | 6 months |
| 2. | 4 - 41 | 1 to 12 months | 7 months |
| 3. | 42 - 77 | 3 to 18 months | 9 months |
| 4. | 78 - 107 | 3 to 24 months | 12 months |
| 5. | 108 or more | 6 to 36 months | 16 months |

* Reasons to be given for departures

Total length of time to be served before ward is paroled: _______ months

Date that ward may be released: ________________________________

* Reasons for departure (if guidelines were not followed):

Favorable factors:

___ Exceptional response to CYA programs

___ Exceptional community plan

___ Family unusually supportive

___ Other: ____________________

____________________________

Unfavorable factors:

___ Disciplinary problems while under CYA

___ Recent unfavorable psychological report

___ Treatment program in progress that ward has not completed

___ Negative staff evaluations

___ Other: ____________________

____________________________

Board Member: ________________________ Date: ____________________

*Figure 7.4: Expectancy for Time Served (continued)*

## Table 7.13

## Time Scores, Ranges, and Median Time Served

| Score Range | Range of Months to be Served | Number | Number Outside | Percent Outside | Median Months Served |
|---|---|---|---|---|---|
| A. 3 or less (or negative) | 1 - 9 mos. | 46 | 4 | 9 | 6 months |
| B. 4 - 41 | 1 - 12 mos. | 184 | 12 | 7 | 7 months |
| C. 42 - 77 | 3 - 18 mos. | 331 | 28 | 8 | 9 months |
| D. 78 - 107 | 3 - 24 mos. | 233 | 15 | 6 | 12 months |
| E. 108 or more | 6 - 36 mos. | 159 | 12 | 8 | 16 months |
| Total | | 952 | | | |

classifications.

The results as a whole suggested the importance of three dimensions: seriousness of offense, institutional discipline, and parole prognosis. In relation to time served by wards paroled, for example, besides the time remaining under jurisdiction, the variables found to be relevant indices were offense seriousness, institutional discipline, and assaultive potential (Table 7.8). Little information is added by the assaultive potential ratings after the others have been taken into account. The parole prognosis judgment was found helpful, along with the same variables and certain ward status items, in estimating the probability that parole would be granted at a given hearing (Table 7.5). In estimation of initial continuances, the seriousness judgment provided most of the helpful information, with some help given by the item, assaultive potential. The judgments of seriousness and discipline were found related to the length of continuation at progress and annual review hearings (Table 7.7). Although these analyses suggest also the importance of the judgments of assaultive potential, it was clear that it would be difficult to provide an objective operational definition for this concept. As a result of these considerations, the three concepts, seriousness, institutional behavior, and parole prognosis were operationally defined by classifications independent of the prior study.

## Offense Class (Seriousness)

An offense seriousness classification devised by the Youth Authority Research Division staff was taken as an independent measure of this dimension. The offenses included in each class, with the average months served by wards paroled in 1975 and 1976, are shown in Table 7.14.[7]

## Institutional Behavior (Discipline)

For this classification, wards were categorized in terms of the number of "Level B" institutional infractions during their present stay. These infractions, considered more serious than "Level A" rules violations, were suggested by board members as important to take into account. Wards were classified as having "good" institutional be-

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[7] Modified from data provided by George F. Davis, Supervisor, Information Systems, Division of Research, California Youth Authority.

Table 7.14

Offense Seriousness (Tentative Classification)
And Length of Institutional Stay of Male Wards, 1975-1976

| Offense Class | Number | Mean Months | Standard Deviation |
|---|---|---|---|
| I. Least serious | | | |
| Miscellaneous misdemeanor (minor) | 3 | 6.41 | 1.84 |
| Traffic | 11 | 7.68 | 2.24 |
| Malicious mischief | 16 | 7.96 | 3.47 |
| Disturbing the peace | 6 | 8.46 | 2.07 |
| Tampering with auto | 2 | 8.73 | .51 |
| Disorderly conduct/drunk | 16 | 8.82 | 3.75 |
| Incorrigible | 49 | 9.28 | 6.97 |
| Escape from juvenile facility | 149 | 9.48 | 5.76 |
| Miscellaneous misdemeanor | 5 | 10.52 | 8.77 |
| Use/driving under influence | 10 | 10.70 | 6.30 |
| Possession/marijuana | 64 | 11.33 | 6.03 |
| Loitering/trespass | 6 | 11.57 | 4.79 |
| Placement failure | 35 | 11.64 | 6.58 |
| Misc. narc., drug offenses | 4 | 14.10 | 11.70 |
| II. Less serious | | | |
| Sex delinquent/prostitution/ pimping | - | - | - |
| Receiving stolen property | 125 | 9.09 | 4.65 |
| Petty theft | 53 | 9.76 | 6.02 |
| Auto theft | 294 | 9.85 | 5.73 |
| Forgery/check | 43 | 10.17 | 6.20 |
| Weapons felony | 30 | 11.40 | 4.88 |
| Escape jail | 10 | 11.57 | 8.84 |
| Drunk driving felony | 4 | 11.70 | 1.11 |
| Hit and run felony | 11 | 11.75 | 4.66 |
| Grand theft/fraud | 151 | 12.21 | 6.00 |
| Accessory felony | 12 | 13.72 | 6.21 |
| Miscellaneous felonies | 6 | 15.78 | 4.82 |
| Lewd/indecent exposure | 3 | 16.15 | 6.17 |
| Arson | 17 | 16.20 | 7.29 |
| Miscellaneous sex offenses | 2 | 19.58 | 8.53 |

| Offense Class | Number | Mean Months | Standard Deviation |
|---|---|---|---|
| III. Low average seriousness | | | |
| Attempted burglary | 9 | 8.81 | 3.48 |
| Burglary, unspecified | 391 | 9.80 | 5.58 |
| Burglary, 2nd | 409 | 10.36 | 5.31 |
| Dist./dispensing firearms | 19 | 10.48 | 5.43 |
| Possession/hard narcotics | 33 | 11.25 | 6.18 |
| Asslt./batt./resisting | 117 | 11.34 | 5.80 |
| Possession/dangerous drugs | 64 | 12.54 | 7.48 |
| Destructive devices/firebombs | 2 | 12.62 | .86 |
| Rape, statutory | 24 | 13.08 | 6.62 |
| Miscellaneous assault offenses | 6 | 17.50 | 9.69 |
| IV. High average seriousness | | | |
| Burglary, 1st | 74 | 13.81 | 6.25 |
| Lewd and lascivious | 14 | 15.94 | 8.18 |
| Sodomy/sex perversion | 8 | 16.61 | 5.92 |
| V. More serious | | | |
| Sell/marijuana | 24 | 12.23 | 4.87 |
| Sell/hard narcotics | 27 | 12.38 | 2.53 |
| Attempt/assault to rob | 59 | 13.93 | 5.58 |
| Robbery, 2nd | 196 | 14.22 | 5.56 |
| Robbery, 1st | 460 | 15.34 | 6.49 |
| A. D. W. | 221 | 15.94 | 7.83 |
| Robbery, unspecified | 175 | 16.01 | 7.48 |
| Sell/dangerous drugs | 6 | 16.80 | 13.44 |
| Rape, violent (att./asslt.) | 67 | 16.89 | 5.99 |
| Rape, unspecified | 12 | 17.20 | 10.10 |
| Extortion, kidnapping | 27 | 19.21 | 7.22 |
| VI. Most serious | | | |
| Manslaughter, vehicle | 7 | 15.92 | 4.94 |
| Murder, 1st | 1 | 22.49 | 00 |
| Att./asslt. to murder | 20 | 22.60 | 9.08 |
| Manslaughter | 35 | 25.68 | 11.42 |
| Murder, 2nd | 19 | 29.62 | 10.97 |
| Murder, unspecified | 35 | 30.43 | 8.14 |

havior if there was no more than one Level B, as having "adequate" behavior given two such infractions, and as exhibiting "poor" behavior when three or more were obtained.[8]

## Parole Prognosis

The base expectancy (parole prognosis) classification presently in use by the Research Division of the Youth Authority was taken as an operational definition of the risk dimension. The basis for the classification of wards (males only) into four risk groups is shown in Figure 7.5.[9]

## Initial Continuance Model

Based upon the offense seriousness class and review of both the results shown in Table 7.11 and Table 7.14, the tentative model for initial continuance guidelines shown in Table 7.15 was devised.

## Time Served Model

The dimensions of offense seriousness and institutional behavior were combined to provide the basis for the matrix shown in Table 7.16. Using the data of Table 7.14 as a general guide, an expected range in months was defined for each combination of offense class and institutional behavior. That is, for each offense class, the means and standard deviations of months served for offenses included in that class were observed. Within each offense class, a range in months of about two standard deviations was taken to define the entire range (ignoring institutional behavior). Then, ranges were defined within offense classes according to the institutional behavior categorization.

For example, a ward in Offense Class I (least serious -- e.g., escape from a juvenile facility or possession of marijuana) with good institutional behavior (no more

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[8] Some board members stressed the importance of when, in relation to the stay, the infraction occurred. It was not possible to investigate this further because of programming and time constraints.

[9] Adapted from data provided by George T. Davis.

| Parole Prognosis | Ward Attributes | Number |  | Percent of Total | Percent Success |
|---|---|---|---|---|---|
|  |  | Paroled | Violators |  |  |
| Good | Criminal court and age 18-30 (admission and homicide, robbery, assault, or drugs<br>OR<br>Juvenile court and age 20-30 (admission) | 815 | 243 | 22 | 70 |
| High Average | Criminal court and age 18-30 (admission) and burglary, theft, or any other offense except homicide, robbery, assault, drugs or W & I | 1,039 | 423 | 28 | 59 |
| Low Average | Age 17 (admission)<br>OR<br>Juvenile court and age 18-19 | 971 | 507 | 26 | 48 |
| Poor | Age 8-16 (admission) | 896 | 561 | 24 | 37 |
| TOTAL |  | 3,721 | 1,734 | 100 | 53 |

*Figure 7.5: Classification of Male Wards into Risk Groups*

## Table 7.15

## Expected Length of Continuances at Admissions and Readmissions Hearings (Revised)

### Initial Continuance Guidelines

| Offense Class | I | II | III | IV | V | VI |
|---|---|---|---|---|---|---|
| Continuance Range (months) | 0 - 12 | 1 - 15 | 2 - 18 | 4 - 20 | 6 - 24 | 12 - 36 |

Table 7.16

Tentative Time Served Guidelines

| Offense Class (Seriousness) | Institutional Behavior | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Good (0-1) | | | | Adequate (2 ) | | | | Poor (3 or more) | | | |
| | Parole Prognosis | | | | Parole Prognosis | | | | Parole Prognosis | | | |
| Examples | Good | High Ave. | Low Ave. | Poor | Good | High Ave. | Low Ave. | Poor | Good | High Ave. | Low Ave. | Poo |
| I. Least serious | (2 - 9) | | | | (5 - 12) | | | | (8 - 15) | | | |
| W & I; PV; Misc. Misd. | 2-4 | 3-6 | 4-7 | 5-9 | 5-8 | 6-9 | 7-10 | 8-12 | 8-10 | 9-11 | 10-12 | 11-1 |
| II. Less serious | (4 - 10) | | | | (7 - 13) | | | | (10 - 16) | | | |
| GT; GTA; PT; RSP; Forgery | ☒ | 4-7 | 5-8 | 6-10 | ☒ | 7-10 | 8-11 | 9-13 | ☒ | 10-13 | 11-14 | 12-1 |
| III. Low average | (5 - 11) | | | | (8 - 15) | | | | (12 - 19) | | | |
| Asslt./Batt.; Burg.2; Poss. | 5-8 | 6-9 | 7-10 | 8-11 | 8-11 | 9-12 | 10-13 | 11-15 | 12-15 | 13-16 | 14-17 | 15-1 |
| IV. High average | (7 - 13) | | | | (10 - 17) | | | | (14 - 21) | | | |
| Burg.1; L & L; Sodomy/Sex | 7-10 | 8-11 | 9-12 | 10-13 | 10-13 | 11-14 | 12-15 | 13-17 | 14-17 | 15-18 | 16-19 | 17-2 |
| V. More serious | (8 - 17) | | | | (11 - 20) | | | | (15 - 24) | | | |
| Rob.1 or 2; ADW; Rape; Sell | 8-11 | 10-13 | 12-15 | 14-17 | 11-14 | 13-16 | 15-18 | 17-20 | 15-18 | 17-20 | 19-22 | 21-2 |
| VI. Most serious | (14 - 26) | | | | (20 - 32) | | | | (27 - 41) | | | |
| Manslaughter; Murder 1 or 2 | 14-17 | 17-20 | 20-23 | 23-26 | 20-23 | 23-26 | 26-29 | 29-32 | 27-30 | 30-33 | 32-36 | 36-4 |

than one Level B disciplinary infraction) would have an expected length of stay of between two and nine months. On the other hand, a more serious (Class V) offender, who had been convicted of, say, robbery or rape, and who had an adequate institutional record (two infractions) would be expected to serve between 11 and 20 months.

It was thought that a third level of differentiation, according to risk groups, might be usefully examined, although it was not thought likely that the relatively finer distinctions of expected length of stay would be found to fit closely with present practice. Accordingly, the further classifications according to risk groups were made. It was understood that, although provision of this detail may be useful to the Board by informing them of the objective risk classification, the guideline ranges would include only the 18 more general cells in the table (seriousness x institutional behavior).[10]

## Testing the Models

The two revised models (for initial continuances and for expected length of stay) were tested by examining a recent sample.[11] Since the main interest was in how well the Time Served Guidelines fit with recent practice, wards paroled in January, 1977 (with exclusions noted on Tables 7.17, 7.18, 7.19, and 7.20) were selected for study. The continuance model was assessed using these same cases, and it should be recognized that these decisions were made at an earlier time.

### Continuance Guideline Model

The continuance ranges of the tentative initial continuance guidelines are rather broad -- increasingly so as offense seriousness increases. They do fit recent practice, judging from the January, 1977 parolee test sample. As seen in Table 7.17, 92 percent of the initial

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[10] The absent range of months for wards with "good" parole prognosis in Offense Class II designates the fact that none will be classified in this category by the base expectancy method shown in Figure 7.5. Wards may be classified, within Offense Class I, as "good" risks only when the offense is possession of marijuana.

[11] The necessary data were provided by George F. Davis.

Table 7.17

### Application of Tentative Initial Continuance Guidelines to a Test Sample of 370 Wards Paroled in January, 1977, Analyzed by Offense Class*

| Offense Class | Continuance Range (months) | Decisions Inside Guidelines | | Decisions Outside Guidelines | | Median Continuance (months) | Total |
|---|---|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent | | |
| I | 0 - 12 | 42 | 95 | 2 | 5 | 5 | 44 |
| II | 1 - 15 | 69 | 90 | 8 | 10 | 7 | 77 |
| III | 2 - 18 | 97 | 97 | 3 | 3 | 6 | 100 |
| IV | 4 - 20 | 8 | 80 | 2 | 20 | 10 | 10 |
| V | 6 - 24 | 111 | 89 | 14 | 11 | 12 | 125 |
| VI | 12 - 36 | 12 | 86 | 2 | 14 | 36 | 14 |
| Total | | 339 | 92 | 31 | 8 | 8 | 370 |

---

* Total parole releases for this month numbered 399. Wards released on parole from Youth Authority clinic Department of Corrections Institutions, and those paroled to out-of-state supervision were excluded; twelve females are included in this table.

Table 7.18

### Revision of Initial Continuance Guidelines on the Basis of Data for 370 Wards Paroled in January, 1977

| Offense Class | Continuance Range (months) | Decisions Inside Guidelines | | Decisions Outside Guidelines | | Median Continuance (months) | Total |
|---|---|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent | | |
| I | 2 - 9 | 36 | 82 | 8 | 18 | 5 | 44 |
| II | 3 - 11 | 60 | 78 | 17 | 22 | 7 | 77 |
| III | 3 - 12 | 88 | 88 | 12 | 12 | 6 | 100 |
| IV | 9 - 13 | 8 | 80 | 2 | 20 | 10 | 10 |
| V | 9 - 24 | 101 | 81 | 24 | 19 | 12 | 125 |
| VI | 24 - 36 | 12 | 86 | 2 | 14 | 36 | 14 |
| Total | | 305 | 82 | 65 | 18 | 8 | 370 |

## Table 7. 19

### Application of Tentative Time Served Guidelines to a Test Sample of 358 Male Wards Paroled in January, 1977, Analyzed by Offense Class*

| Offense Class | Decisions Inside Guidelines | | Decisions Outside Guidelines | | Total |
|---|---|---|---|---|---|
| | Number | Percent | Under | Over | |
| I | 31 | 74 | 1 | 10 | 42 |
| II | 52 | 69 | 6 | 17 | 75 |
| III | 77 | 78 | 8 | 13 | 98 |
| IV | 9 | 90 | 0 | 1 | 10 |
| V | 85 | 71 | 18 | 17 | 120 |
| VI | 5 | 38 | 2 | 6 | 13 |
| Total | 259 | 72 | 35 | 64 | 358 |

* Total parole releases for this month numbered 399. Wards released on parole from Youth Authority clinics, Department of Corrections Institutions, and those paroled to out-of-state supervision were excluded; from the remainder, 12 females were excluded from this table.

Table 7.20

Application of Tentative Time Served Guidelines to a Test Sample of 358 Male Wards Paroled in January, 1977, Analyzed by Institution of Release*

| Institution | Decisions Inside Guidelines | | Decisions Outside Guidelines | | Total |
|---|---|---|---|---|---|
| | Number | Percent | Number | Percent | |
| Nelles | 24 | 69 | 11 | 31 | 35 |
| O. H. Close | 34 | 85 | 6 | 15 | 40 |
| El Paso de Robles | 30 | 88 | 4 | 12 | 34 |
| Karl Holton | 26 | 65 | 14 | 35 | 40 |
| De Witt Nelson | 12 | 46 | 14 | 54 | 26 |
| Preston | 12 | 46 | 14 | 54 | 26 |
| Youth Training School | 58 | 72 | 23 | 28 | 81 |
| Camps | 28 | 82 | 6 | 18 | 34 |
| Other | 35 | 83 | 7 | 17 | 42 |
| Total | 259 | 72 | 99 | 28 | 358 |

* Total parole releases for this month numbered 399. Wards released on parole from Youth Authority clinics, Department of Corrections Institutions, and those paroled to out-of-state supervision were excluded; from the remainder, 12 females were excluded from this table.

continuances were within the guideline ranges.[12]

If it is desired to reduce the ranges according to Offense Class, those shown in Table 7.18 are suggested by examination of the distributions of continuances in this sample. (Note that some error may be introduced by this setting of new cutting points for establishing the new guidelines ranges.) This model "fits" 82 percent of the cases, with markedly reduced ranges.

## Time Served Guideline Model

The Time Served Guidelines shown in Table 7.16 were examined, in relation to the length of stay of wards paroled in January, 1977. The results are shown in Table 7.19. The guidelines "fit" the actual time served in 72 percent of these cases. In ten percent of the cases, a decision paroling the ward was taken "under" the guideline range specified. That is, in 35 instances, a shorter time than called for in the guidelines actually was served. In 18 percent of all, a decision "over" (i.e., longer) than the guideline specification actually was required.[13]

The "fit" of the model was examined also in relation to the institution of release, as shown in Table 7.20. Although the numbers of cases by institution are rather small, the adequacy of the guidelines with respect to wards at De Witt Nelson and Preston is particularly suspect.

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[12] These results, and the guideline model, seem consistent with other recent Youth Authority experience. There was a substantial decrease in the average continuances of initial appearances from calendar years 1975 to 1976. During the earlier year, the mean continuance time was 12.9 months; in 1976 it was (for all wards continued) 10.4 months. During 1976, wards committed for homicide (Class VI) were continued for an average (mean) of 33.1 months; those committed for sex offenses were continued for an average of 15 months, and wards who committed robbery and assault offenses were continued for an average of about 12 months. See California Youth Authority Division of Research, "An Analysis of Board Actions at Initial Appearance Hearings," 1976 (unpublished).

[13] Of the 72 percent of decisions within the model, 143, or 55 percent, were within the ranges specified for specific parole prognosis categories (within offense seriousness and institutional behavior classifications).

## Status of Implementation

Two models may now be proposed to the Youth Authority Board for possible use (or revision) in a statement of policy and as an aid to decision-making. These guidelines, for both initial continuances and for paroling (according to time served) may be incorporated into one simple worksheet (with the grid model of Table 7.16 on the reverse side). Figure 7.6 provides an example of a worksheet that might be used.

## Directions for Further Development

All the elements in the proposed models are included in the computerized information system of the agency. This provides an excellent opportunity for periodic monitoring and revision of the policy models.

The main dimensions included in the guidelines -- offense seriousness and institutional behavior -- both are in need of refinement to more accurately reflect the consensus of the Board. The next steps toward improvement of the models is suggested to be the examination, with necessary revisions, of the definitions of these two dimensions. Such an examination, together with a repeated assessment of the degree to which the guidelines match the decision-making of the Board, can lead to improvement and no doubt to periodic revision.

California Youth Authority Sample Board Worksheet

Name ______________________________ YA __________________________
last first

Admission: __________ Expiration of Jurisdiction: __________ Max: __________
date date months

Offense: ____________________________________ Seriousness Class I II III IV V VI

Institutional Behavior: ☐ Good 0 or 1 Level B ☐ Adequate 2 Level B's ☐ Poor 3 or more Level B's

Parole Prognosis: ☐ Good ☐ High Average ☐ Low Average ☐ Poor

- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

Time Served Guideline Range: ( - ) Subrange (Prognosis): ( - )

- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

Initial Continuance Guidelines:

| Offense Class | I | II | III | IV | V | VI |
|---|---|---|---|---|---|---|
| Range | 2-9 | 3-11 | 3-12 | 9-13 | 9-24 | 24-36 |

Decision: ☐ Parole after _____ total months, i.e., after ____________.
date

☐ Continue until _____ total months, i.e., to ____________.
date

If decision is outside guidelines, specify reasons:

Under

- ___ exceptional response to programs
- ___ exceptional community plans
- ___ family unusually supportive
- ___ favorable staff/psych report
- ___ mitigating factors in offense; Specify: ____________________ ____________________
- ___ favorable prognosis factors not included in base expectancy; Specify: ____________________ ____________________
- ___ Other; Specify: ____________________ ____________________

Over

- ___ program in progress not completed
- ___ no community support
- ___ no family support
- ___ unfavorable staff/psych report
- ___ aggravating factors in offense; Specify: ____________________ ____________________
- ___ unfavorable prognosis factors not included in base expectancy; Specify: ____________________ ____________________
- ___ Other; Specify: ____________________ ____________________

Board Members: ____________________ ____________________ Date: ____________________

*Figure 7.6: Example Worksheet for Implementation of Models*

## Chapter 8

# WASHINGTON

Don M. Gottfredson and Carol Rauh

The Washington State Board of Prison Terms and Paroles is composed of seven members, one of whom is designated Chairman by the Governor. Washington State law incorporates a modified indeterminate sentence structure. The maximum term is regulated by statute and the minimum term is fixed by the Board. The Board has complete discretion in fixing the minimum term of confinement except in certain instances with a mandatory minimum imposed by the legislature. Parole is the usual mode of release from prison in the state, and the Board is charged with determining when such release will occur.

Washington State's new criminal code, enacted on July 1, 1976, establishes maximum sentences on the basis of seriousness of the offense. Three levels of seriousness are described in the statutes. Class A felonies carry maximum terms of 20 years to life; Class B felonies receive a maximum term of no more than 10 years; and Class C felonies carry a maximum of no more than 5 years. Murder in the First Degree and Aggravated Murder in the First Degree are separate categories. Under the new criminal code, the penalty for Aggravated Murder in the First Degree is a mandatory sentence of death. The penalty for Murder First Degree is a mandatory life sentence, and the Board has no jurisdiction to consider parole until the offender has served 20 consecutive years less good time and the institutional superintendent recommends parole.

If the court finds that the defendant was armed with a deadly weapon. the Board must impose a mandatory minimum term of 5 years for a first felony conviction and 7½ years for a second conviction. The Board has discretion to waive the mandatory minimum, however, in all cases except when the person was convicted for Murder 1, Murder 2 (where a mandatory minimum exists), Sale of Heroin for Profit, and Rape 1. A finding of being a habitual criminal requires an imposition of a 15 year mandatory minimum term. Where applicable, the mandatory minimum term may be waived by a vote of two-thirds (5) of the seven Board members.

The Board's rules of practice and procedure for fixing minimum terms provide that the minimum term be set within six months after admission to an adult state correctional institution (within 30 days if the person is a

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parole violator). The minimum term fixed by the Board at the initial meeting is not the actual length of time a person will serve. The Board may grant good time credits of up to one-third of the inmate's minimum sentence upon certification by the institutional superintendent that the person warrants such consideration. The Board also has authority to reconsider and reset the minimum term either to a shorter or a longer period. The term may be reset to a longer period, for example, if a person's minimum term is near expiration and the Board does not believe that parole is appropriate at that time. The minimum term is not increased, however, without the opportunity for a hearing before the Board. Also, the term may be increased if the resident commits a serious rule infraction.

The practices of the Washington State Board of Prison Terms and Paroles are based on a continual review process. Residents' progress is monitored by the Board through annual meetings with the resident or by an administrative review. There are two types of in-person meetings: progress meetings and parole meetings. The same action may be taken at both meetings; the difference lies in whether a verified parole plan has been received by the time of the meeting. If parole is granted at a parole meeting, release can occur in a few days. If it is granted before the parole plan has been verified, release is delayed until this is done.

The rules and procedures governing progress and parole meetings provide that an in-person meeting be conducted to review the sentence and prospects for parole. The Board's policy is that in evaluating a person's readiness for parole, the Board will consider the extent of threat that may be posed to the public, based on the offender's prior criminal history, response to correctional programs, parole plans, psychological characteristics, recommendation of institutional staff, the personal interview, and community acceptance.

Meetings are conducted by the Board in panels of two members. Panel membership is rotated regularly and there is also systematic rotation of the panels among the various correctional institutions.

Two members of the Board thus constitute a panel; they may exercise the full authority of the Board. In most instances, parole may be granted upon agreement of the panel members reviewing the case. Where there is a mandatory minimum, five Board members must agree for the parole to occur. By rule, in order to parole persons convicted of Murder 1 and Kidnap 1, a majority of the full Board must agree.

The Board conducts approximately 4,500-5,000 Minimum Term, New Minimum Term, Progress and Parole meetings annually. Disciplinary and Parole Revocation meetings are also held by the Board, but cases at these types of meetings were excluded from this study.

## Data Collection

Members of the research team met with the Washington State Board of Prison Terms and Paroles in March, 1975 to discuss project objectives and to agree on data collection procedures. The case evaluation form which resulted from discussion with the Board members is shown in Appendix C. As can be seen, the form was adapted to reflect the Board's function of setting the minimum term.

Data collection began on June 1, 1975 and continued through December 31, 1975. A total of 1,546 case evaluation forms was received. Of this number, 149 were excluded from the sample because they were incomplete or because they did not represent a parole decision.

Although a procedure was developed whereby incomplete forms were returned to the Board for completion, there remained a number of forms on which information was missing. Because of the difficulty in obtaining Board judgments in restrospect, many of the scale items on the form were left incomplete. This was particularly true regarding the institutional discipline and program participation items; each of these scales was left blank on almost one-fourth of the forms. When viewed with respect to the two types of meetings (Minimum term/New minimum term and Progress/Parole), it can be seen in Table 8.1 that this information was omitted on more than half of the forms completed at the initial meeting. This suggests that information pertaining to an inmate's institutional adjustment may frequently be unavailable at the beginning of a term of incarceration, and these two items must thus be excluded from any guideline model proposed for use at the initial meeting. Information on the other items was provided on more than 94 percent of the forms, so these were considered further.

## Methods and Results

There is considerable variation in the granting of parole according to the felony classes defined in the new criminal code. This is true whether the meeting is for determination of the minimum term or is a progress or parole meeting. For example, persons convicted of Class C

## Table 8.1

### Proportions of Missing Information on the Board's Ratings of Institutional Discipline and Program Participation

| | Total Sample (N = 1,397) | Missing Information on Forms Completed at Minimum Term and New Minimum Term Meetings (N = 567) | Missing Information on Forms Completed at Progress and Parole Meetings (N = 830) |
|---|---|---|---|
| Institutional Discipline | 23.6% | 56.3% | 1.3% |
| Program Participation | 24.1% | 57.7% | 1.1% |

felonies are most apt to be paroled at either type of meeting, as may be seen in Table 8.2. Seventy percent of Class C felons were paroled at progress/parole meetings and half of these offenders were paroled at the minimum term meetings. In general, the likelihood of parole at a progress/parole meeting is nearly half (46 percent) while that likelihood at minimum term meetings is about one-third (35 percent). Class B felons are less likely to be paroled; and it is still less likely that Class A felons will be paroled at any given meeting. No cases of first-degree murder were found to be paroled at the minimum term meetings (although this would be permissible under Washington law), and relatively few (6 percent) of these offenders were paroled at our sample of progress and parole hearings.

The average ratings, analyzed separately by offense classes in relation to paroling decisions, give similar results for each of the five general categories of legal offenses. The comparisons of these averages for persons paroled and not, are presented in Tables 8.3 - 8.7. In general, within each offense group, persons paroled were judged to have less serious offenses (within the general offense classification), to have more favorable parole prognoses, institutional discipline and program participation ratings. Judgments of assaultive potential were higher, on the average, for the cases denied parole (i.e., continued for later consideration). Persons continued generally had ratings of more serious prior criminal records (this was not true of the First-degree Murder group, which typically does not display a great deal of variance in prior record). Social stability ratings were more favorable, on the average, for persons granted parole. Generally, there were large differences in the averages for minimum and maximum sentences. Perhaps the most striking feature of Tables 8.3 - 8.7 is the consistent direction of differences on average ratings among the various legal offense categories.

A better picture of the relations of these ratings to the decision (parole/continue) as well as of the interrelations among the items is given by Table 8.8. The seriousness of the offense judgments was more closely related to the decision outcome than was any other variable ($r_{pb}$ = -.48). It may be noted, however, that this value is not significantly different from the measure of association of decision outcomes and assaultive potential ratings ($r_{pb}$ = -.47). The ratings of parole prognosis have a moderate correlation, and program participation and institutional discipline have low correlations with the decision. Moderate correlations were found relating the minimum sentence and maximum sentence to the decision.

Table 8.2: Residents Granted Parole at Initial and Subsequent Meetings

| Felony Class | Number | Minimum Term/New Minimum Term | | Progress/Parole | |
|---|---|---|---|---|---|
| | | Number | Percent Granted | Number | Percent Granted |
| Murder 1 | 56 | 8 | 0 | 48 | 6 |
| Class A | 500 | 173 | 18 | 327 | 32 |
| Class B | 252 | 97 | 36 | 155 | 49 |
| Class C | 143 | 96 | 50 | 47 | 70 |
| Other | 418 | 186 | 44 | 232 | 69 |
| Total | 1,369 | 560 | 35 | 809 | 46 |

Table 8.3

Ratings of Residents Convicted of First Degree Murder, Analyzed by Decision to Grant or Deny Parole*

| Variables | Overall | | | Granted | | | Denied | | |
|---|---|---|---|---|---|---|---|---|---|
| | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation |
| Seriousness of Offense | 56 | 87 | 6 | 3 | 76 | 14 | 53 | 88 | 4 |
| Parole Prognosis | 50 | 41 | 29 | 3 | 71 | 18 | 47 | 39 | 28 |
| Institutional Discipline | 47 | 37 | 11 | 3 | 50 | 0 | 44 | 37 | 11 |
| Program Participation | 47 | 38 | 12 | 3 | 50 | 0 | 44 | 37 | 12 |
| Assaultive Potential | 54 | 43 | 11 | 3 | 31 | 1 | 51 | 44 | 11 |
| Prior Criminal Record | 54 | 29 | 12 | 3 | 29 | 10 | 51 | 29 | 13 |
| Social Stability | 50 | 23 | 10 | 3 | 35 | 13 | 47 | 23 | 10 |
| Number of Prior Hearings | 56 | 3 | 3 | 3 | 3 | 1 | 53 | 2 | 3 |
| Time Served | 53 | 41 | 39 | 3 | 39 | 15 | 50 | 41 | 40 |
| Minimum Sentence | 51 | 280 | 152 | 3 | 110 | 17 | 48 | 291 | 151 |
| Maximum Sentence | 53 | 432 | 95 | 3 | 320 | 138 | 50 | 439 | 89 |

* Significance tests ignored, due to small sample.

## Table 8.4

### Ratings of Residents Convicted of Class A Felonies, Analyzed by Decisions to Grant or Deny Parole

| Variables | Overall | | | Granted | | | Denied | | | F | t |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation | | |
| Seriousness of Offense | 494 | 62 | 17 | 136 | 52 | 17 | 358 | 66 | 15 | 1.377 | 9.50* |
| Parole Prognosis | 483 | 41 | 20 | 135 | 48 | 18 | 348 | 38 | 20 | 1.191 | -5.04* |
| Institutional Discipline | 392 | 34 | 10 | 120 | 35 | 10 | 272 | 33 | 11 | 1.234 | -2.08 |
| Program Participation | 392 | 34 | 10 | 121 | 36 | 9 | 271 | 33 | 10 | 1.449 | -2.91* |
| Assaultiv Potential | 491 | 33 | 11 | 135 | 26 | 10 | 356 | 35 | 10 | 1.044 | 8.39* |
| Prior Criminal Record | 489 | 31 | 10 | 136 | 29 | 9 | 353 | 31 | 10 | 1.215 | 1.70 |
| Social Stability | 461 | 23 | 8 | 133 | 24 | 9 | 328 | 23 | 8 | 1.244 | -2.70 |
| Number of Prior Hearings | 499 | 1 | 2 | 137 | 2 | 2 | 362 | 1 | 2 | 1.318 | -4.07* |
| Time Served | 496 | 18 | 17 | 137 | 22 | 16 | 359 | 17 | 17 | 1.141 | -3.16* |
| Minimum Sentence | 493 | 84 | 73 | 134 | 49 | 48 | 359 | 98 | 76 | 2.519* | - |
| Maximum Sentence | 500 | 283 | 84 | 137 | 262 | 58 | 363 | 290 | 90 | 2.406* | - |

* Significant at the one-percent level of confidence

Table 8.5

Ratings of Residents Convicted of Class B Felonies, Analyzed by Decisions to Grant or Deny Parole

| Variables | Overall | | | Granted | | | Denied | | | F | t |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation | | |
| Seriousness of Offense | 246 | 52 | 18 | 108 | 43 | 15 | 138 | 59 | 17 | 1.214 | 7.41* |
| Parole Prognosis | 242 | 41 | 18 | 108 | 46 | 17 | 134 | 38 | 19 | 1.296 | -3.24* |
| Institutional Discipline | 199 | 31 | 10 | 93 | 33 | 9 | 106 | 30 | 10 | 1.169 | -2.24 |
| Program Participation | 200 | 32 | 10 | 92 | 34 | 10 | 108 | 30 | 10 | 1.097 | -2.73* |
| Assaultive Potential | 246 | 30 | 10 | 108 | 26 | 9 | 138 | 33 | 10 | 1.210 | 5.96* |
| Prior Criminal Record | 244 | 30 | 8 | 109 | 28 | 8 | 135 | 32 | 9 | 1.283 | 3.64* |
| Social Stability | 242 | 22 | 8 | 107 | 23 | 7 | 135 | 21 | 8 | 1.287 | -1.32 |
| Number of Prior Hearings | 250 | 1 | 1.5 | 111 | 1 | 1 | 139 | 1 | 2 | 1.781* | - |
| Time Served | 245 | 15 | 12 | 109 | 16 | 12 | 136 | 14 | 13 | 1.078 | -1.33 |
| Minimum Sentence | 248 | 46 | 24 | 109 | 33 | 17 | 139 | 56 | 25 | 2.096* | - |
| Maximum Sentence | 252 | 118 | 8 | 111 | 118 | 9 | 141 | 119 | 6 | 2.124* | - |

* Significant at the one-percent level of confidence

## Table 8.6

## Ratings of Residents Convicted of Class C Felonies, Analyzed by Decisions to Grant or Deny Parole

| Variables | Overall | | | Granted | | | Denied | | | F | t |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation | | |
| Seriousness of Offense | 140 | 41 | 15 | 79 | 37 | 13 | 61 | 47 | 16 | 1.620 | 4.04* |
| Parole Prognosis | 134 | 46 | 19 | 75 | 53 | 15 | 59 | 38 | 19 | 1.614 | -4.88* |
| Institutional Discipline | 82 | 32 | 10 | 54 | 34 | 9 | 28 | 28 | 11 | 1.410 | -2.64* |
| Program Participation | 77 | 33 | 9 | 50 | 36 | 8 | 27 | 29 | 8 | 1.078 | -3.41* |
| Assaultive Potential | 140 | 22 | 9 | 81 | 19 | 6 | 59 | 27 | 11 | 3.063* | - |
| Prior Criminal Record | 139 | 27 | 8 | 79 | 24 | 6 | 60 | 31 | 8 | 1.894* | - |
| Social Stability | 139 | 24 | 8 | 78 | 26 | 8 | 61 | 21 | 8 | 1.086 | -3.86* |
| Number of Prior Hearings | 143 | 0.5 | 1 | 81 | 0.5 | 1 | 62 | 0.3 | 0.5 | 2.429* | - |
| Time Served | 116 | 10 | 9 | 69 | 11 | 9 | 47 | 9 | 10 | 1.050 | -1.00 |
| Minimum Sentence | 139 | 35 | 19 | 80 | 25 | 9 | 59 | 48 | 22 | 5.825* | - |
| Maximum Sentence | 103 | 59 | 6 | 71 | 58 | 7 | 32 | 60 | 0 | 0 | 1.18 |

* Significant at the one-percent level of confidence

### [illegible].7

### Ratings of Residents Convicted of Other Felonies, Analyzed by Decisions to Grant or Deny Parole

| Variables | Overall |  |  | Granted |  |  | Denied |  |  | F | t |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation |  |  |
| Seriousness of Offense | 408 | 42 | 11 | 235 | 39 | 10 | 173 | 45 | 12 | 1.583* | - |
| Parole Prognosis | 407 | 44 | 17 | 233 | 49 | 16 | 174 | 36 | 16 | 1.007 | -7.69* |
| Institutional Discipline | 319 | 31 | 10 | 191 | 33 | 9 | 128 | 28 | 11 | 1.395 | -4.02* |
| Program Participation | 317 | 32 | 9 | 191 | 34 | 9 | 126 | 30 | 9 | 1.112 | -4.41* |
| Assaultive Potential | 411 | 24 | 9 | 237 | 21 | 7 | 174 | 27 | 10 | 1.520* | - |
| Prior Criminal Record | 408 | 28 | 7 | 237 | 26 | 7 | 171 | 30 | 7 | 1.021 | 5.69* |
| Social Stability | 394 | 23 | 7 | 225 | 24 | 7 | 169 | 21 | 6 | 1.299 | -3.41* |
| Number of Prior Hearings | 411 | 1 | 1 | 238 | 1 | 1 | 173 | 1 | 1 | 1.049 | -4.03* |
| Time Served | 404 | 14 | 14 | 231 | 14 | 11 | 173 | 12 | 18 | 2.814* | - |
| Minimum Sentence | 414 | 39 | 22 | 239 | 33 | 16 | 175 | [illegible] | 25 | 2.380* | - |
| Maximum Sentence | 418 | 180 | 1 | 240 | 180 | 1 | 178 | [illegible] | 0 | 0 | -0.84 |

* Significant at the one-percent level of confidence

### Table 8.8: Correlations of Ratings, Time Served, Number of Prior Hearings, Minimum and Maximum Sentence, with Numbers of Cases Entering Computation*

| | Variables | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Decision | | 1,206 | 1,181 | 905 | 899 | 1,205 | 1,202 | 1,154 | 1,221 | 1,161 | 1,210 |
| 2 | Seriousness of Offense | -.48 | | 1,321 | 1,045 | 1,039 | 1,344 | 1,337 | 1,287 | 1,361 | 1,296 | 1,342 |
| 3 | Parole Prognosis | .35 | -.13 | | 1,030 | 1,025 | 1,323 | 1,315 | 1,267 | 1,334 | 1,273 | 1,318 |
| 4 | Institutional Discipline | .17 | .08 | .50 | | 1,057 | 1,052 | 1,041 | 1,000 | 1,065 | 1,022 | 1,040 |
| 5 | Program Participation | .23 | .03 | .53 | .79 | | 1,047 | 1,036 | 955 | 1,059 | 1,020 | 1,034 |
| 6 | Assaultive Potential | -.47 | .66 | -.39 | -.19 | -.24 | | 1,344 | 1,297 | 1,359 | 1,296 | 1,339 |
| 7 | Prior Criminal Record | -.23 | .22 | -.38 | -.15 | -.19 | .40 | | 1,296 | 1,352 | 1,288 | 1,333 |
| 8 | Social Stability | .16 | -.04 | .55 | .44 | .48 | -.31 | -.27 | | 1,302 | 1,239 | 1,284 |
| 9 | Number of Prior Hearings | .10 | .18 | .00 | .00 | .04 | .14 | .08 | -.06 | | 1,312 | 1,357 |
| 10 | Time Served | .02 | .26 | -.02 | .01 | .08 | .20 | .14 | -.03 | .65 | | 1,300 |
| 11 | Minimum Sentence | -.38 | .58 | -.18 | .08 | .05 | .44 | .17 | -.05 | .27 | .32 | |
| 12 | Maximum Sentence | -.32 | .50 | -.11 | .09 | .07 | .36 | .13 | -.02 | .23 | .29 | .63 |

* Correlation coefficients are shown below the diagonal (i.e., lower portion of table); numbers entering the computation are shown above the diagonal (i.e., upper portion). Significant correlations (p <.01) are underlined.

It is noteworthy that the seriousness and assaultive potential judgments were substantially correlated (r = .66). Also, program participation and institutional discipline ratings were highly correlated (r = .79).

The relation of individual judgments (and of sentence minima and maxima) to the time served by persons paroled may be seen from Table 8.9. (The number of prior hearings (r = .63) is a function of time served.) The seriousness judgment is next closely related to time required to be served (r = .36). Judgments of the prior criminal record had a moderate correlation with this decision outcome. The items parole prognosis, institutional discipline and program participation had negligible positive correlations with time served. It may be noted that institutional discipline and program participation are highly correlated and that the seriousness judgments and ratings of assaultive potential were substantially correlated as well.

## Prediction of Minimum Sentence Setting

The multiple regression analysis summarized in Table 8.10 shows that knowledge of the legal offense, together with the decision makers' judgments as to its seriousness, account for more than 60 percent of the variation in minimum sentences set (R = .80). The items included, besides the seriousness judgment, are the non-violent offenses with maximum sentences of more than 10 and less than 20 years, a categorization of persons convicted of Murder 2, Kidnapping 1 or Rape 1, certain property offenses or escape, and the maximum sentence. The three items, seriousness of offense, maximum sentence, and first-degree murder, are by themselves reasonably helpful predictors of the minimum sentence set at initial meetings.

## Prediction of Time Served

Since nearly all who leave prison in Washington State do so by means of parole, it was assumed that a study of time served by persons paroled would give the best guidance to the general policy of the Board. The summary of the regression analysis presented in Table 8.11 indicates that a modest prediction, "explaining" about one-fifth of the variance, may be obtained from four items. The single best predictor, by itself, is the rating of the seriousness of the offense; the second best is the judgment of prior criminal record. Classifications of offenders according to certain drug sales or according to the non-violent offense class with a certain maximum sentence range are also included.

Table 8.9: Correlations of Ratings, Number of Prior Hearings, Time Served, Minimum Sentence, and Maximum Sentence for Residents Paroled, with Numbers of Cases Entering Computation*

| Variables | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 Seriousness of Offense | | 552 | 458 | 454 | 560 | 560 | 542 | 566 | 543 | 561 | 558 |
| 2 Parole Prognosis | .06 | | 453 | 450 | 553 | 554 | 535 | 559 | 539 | 555 | 554 |
| 3 Institutional Discipline | .09 | .47 | | 463 | 463 | 463 | 448 | 468 | 445 | 461 | 460 |
| 4 Program Participation | .09 | .49 | .76 | | 459 | 459 | 444 | 464 | 444 | 457 | 460 |
| 5 Assaultive Potential | .52 | -.21 | -.16 | -.18 | | 563 | 546 | 569 | 546 | 563 | 561 |
| 6 Prior Criminal Record | .24 | -.31 | -.12 | -.15 | .38 | | 548 | 569 | 546 | 564 | 561 |
| 7 Social Stability | .02 | .51 | .43 | .47 | -.24 | -.27 | | 551 | 528 | 545 | 543 |
| 8 Number of Prior Hearings | .30 | -.06 | -.09 | -.07 | .29 | .26 | -.20 | | 552 | 569 | 567 |
| 9 Time Served | .36 | -.03 | -.04 | -.05 | .30 | .32 | -.09 | .63 | | 546 | 552 |
| 10 Minimum Sentence | .41 | .07 | .13 | .10 | .21 | .15 | .07 | .39 | .49 | | 561 |
| 11 Maximum Sentence | .28 | -.03 | .07 | .07 | .15 | .20 | .00 | .26 | .27 | .38 | |

* Correlation coefficients are shown below the diagonal (i.e., lower portion of table); numbers entering the computation are shown above the diagonal (i.e., upper portion). Significant correlations (p .01) are underlined.

Table 8.10: Regression of Resident Status and Decision-Maker Ratings on Minimum Sentence Set at Initial Hearings (N = 502)

| Variables | Multiple Correlation Coefficient | $R^2$ | Change in $R^2$ | Correlation Coefficient | B | Beta |
|---|---|---|---|---|---|---|
| Non-violent offenses with maximum sentence of more than 10 and less than 20 years | .21 | .04 | .04 | -.21 | -11.020 | -.084 |
| Seriousness of Offense | .56 | .31 | .26 | .55 | .735 | .214 |
| Maximum Sentence | .67 | .45 | .14 | .56 | .228 | .335 |
| First Degree Murder | .77 | .60 | .15 | .57 | 236.675 | .421 |
| Murder 2/Kidnap 1/Rape 1 | .79 | .62 | .02 | .37 | 34.167 | .148 |
| Larceny/Check offenses/ Embezzlement/Auto theft/ Receiving stolen property/ Escape (all with maximum sentences of 20 years or more) | .80 | .63 | .01 | -.10 | -30.733 | -.139 |
| Constant | | | | | -24.847 | |

Table 8.11: Regression of Resident Status and Decision-Maker Ratings on Months Served Under the Washington State Board of Prison Terms and Paroles by Residents Paroled (N = 530)

| Variables | Multiple Correlation Coefficient | $R^2$ | Change in $R^2$ | Correlation Coefficient | B | Beta |
|---|---|---|---|---|---|---|
| Drug sales with maximum sentence of 20 years or more | .05 | .003 | .003 | .05 | 3.648 | .029 |
| Non-violent offenses with maximum sentence of more than 10 and less than 20 years | .13 | .02 | .01 | -.12 | - .546 | -.020 |
| Seriousness of Offense | .36 | .13 | .11 | .36 | .262 | .294 |
| Prior Criminal Record | .43 | .19 | .06 | .32 | .410 | .247 |
| Constant | | | | | -5.821 | |

## Tentative Models

### Minimum Sentence Model

The first model presents guidelines for the setting of minimum sentences. An initial version, based on the regression analysis shown in Table 8.10, assumed that within offense classes the two principal dimensions of concern were seriousness of offense and maximum sentence. Discussion with the Parole Board revealed such a scheme would now be unworkable since within offense classes maximum sentences now are, in many cases, invariant. The tentative model therefore was modified to include as the second dimension a classification according to prior criminal record. The inclusion of judgments of assaultive potential would perhaps be suggested by the correlations already described, except for the difficulty in obtaining an objective, operationally defined measure and for the fact that assaultive potential and offense seriousness judgments were substantially correlated.

The grid shown in Figure 8.1 presents a tentative guidelines model for the minimum term fix. Offenses are ordered within the general offense classes according to a rank ordering done earlier by the paroling authorities; the general offense classes were ranked according to the mean seriousness rating of each group. (The prior record dimension is modified from the North Carolina scheme, see Chapter 3, Figure 3.7; the modification was that all sentences were counted, that is, the definition of "active sentence" was ignored--by decision of the Board.) For each offense class, the mean minimum sentence and standard deviations were used as a guide for setting the overall range within an offense class.

A second model for the setting of minimum sentence was elaborated also. The Board had, on March 31, 1976, adopted guidelines using the dimensions of seriousness and a measure of parole success probability (a Base Expectancy measure), for the fixing of minimum terms. This alternative model is shown in Figure 8.2

### Time Served Model

The second type of model provides tentative guidelines as to time to be served before parole. This model also makes use of the two dimensions, seriousness of the offense and prior criminal record. It is shown in Figure 8.3. As in the model developed for the fixing of minimum sentences, the offenses are ordered within the general offense classes according to the rank ordering developed by the Parole Board. The offense classes are ranked according

Washington State Board of Prison Terms and Paroles
Tentative Guidelines for Minimum Sentence
(in months except as indicated)

| Felony Class | Offense Group | Prior Criminal Record | | | |
|---|---|---|---|---|---|
| | | None | Minor | Moderate | Serious |
| C | Promote suicide<br>Unlawful imprisonment<br>Bigamy<br>Trading public office<br>Perjury 2<br>Tampering with witness<br>Escape 2<br>Possession of stolen property 2 | 10-15 | 16-20 | 21-25 | 26-30 |
| | CDS with 2-year maximum<br>Forgery of prescription<br>Others with 2-yr. max. | 18-24 | 25-30 | 31-36 | 37-42 |
| | Reckless burning 1<br>Malicious mischief 2<br>Theft 2 ($250-$1,500)<br>Forgery<br>Render criminal assistance 1<br>Promote prostitution 2 | 20-25 | 26-31 | 32-36 | 37-42 |
| | CDS with 5-year maximum | 10-23 | 24-36 | 37-48 | 49-64 |
| | Manslaughter 2<br>Rape 3<br>Assault 3<br>Auto theft<br>Extortion 2<br>Incest<br>Communication with minor for immoral purpose | 24-39 | 40-54 | 55-70 | 71-84 |
| B | Livestock theft<br>Poss. of stolen property<br>Bribery<br>Perjury<br>Bribing witness<br>Promote prostitution 1 | 18-21 | 22-26 | 27-31 | 32-36 |
| | Burglary 2<br>Theft 1<br>Extortion 1<br>Contraband<br>Malicious mischief<br>Escape 1<br>CDS | 24-32 | 33-42 | 43-51 | 52-60 |
| | Manslaughter 1<br>Assault 2<br>Arson 2<br>Kidnap 2<br>Robbery 2<br>Rape 2<br>Indecent liberties<br>Felon with firearm | 36-48 | 49-60 | 61-72 | 73-84 |

*Figure 8.1: Tentative Guidelines - Minimum Sentence*

| Felony Class | Offense Group | Prior Criminal Record | | | |
|---|---|---|---|---|---|
| | | None | Minor | Moderate | Serious |
| Other | Non-violent offenses, including:<br>Burglary<br>Larceny<br>Auto theft<br>Possession of stolen property<br>Drug offenses<br>Escape | 18-26 | 27-36 | 37-46 | 47-56 |
| | Violent offenses including:<br>Assault<br>Weapons violations<br>Robbery<br>Sex offenses | 24-42 | 43-60 | 61-77 | 78-96 |
| A | Larceny<br>Receiving stolen property<br>Auto theft<br>Escape<br>Checks<br>Other | 15-28 | 29-42 | 43-57 | 58-72 |
| | Sale of drugs to person under 18<br>Sale of heroin (2nd offense) | 18-43 | 44-69 | 70-95 | 96-120 |
| | Assault 1<br>Arson 1<br>Robbery 1<br>Burglary 1 | 24-50 | 51-78 | 79-105 | 106-132 |
| | Murder 2<br>Kidnap 1<br>Rape 1 | 36-87 | 88-138 | 139-189 | 190-240 |
| Murder 1 | | 10-16 years | 17-23 years | 24-29 years | 30-36 years |

Note: Felony classes are based on length of maximum sentence:
Class C -- 5 years or less
Class B -- 10 years or less
Other -- more than 10 years, but less than 20
Class A -- 20 years or more

*Figure 8.1: Tentative Guidelines - Minimum Sentence (continued)*

Washington State Board of Prison Terms and Paroles
Tentative Guidelines for Minimum Sentence
(in months except as indicated)

| Felony Class | Offense Group | Base Expectancy Groups | | |
|---|---|---|---|---|
| | | High Success | Medium Success | Low Success |
| C | Promote suicide<br>Unlawful imprisonment<br>Bigamy<br>Trading public office<br>Perjury 2<br>Tampering with witness<br>Escape 2<br>Possession of stolen property 2 | 10-17 | 17-24 | 24-30 |
| | CDS with 2-year maximum<br>Forgery of prescription<br>Others with 2-year maximum | 18-26 | 26-34 | 34-42 |
| | Reckless burning 1<br>Malicious mischief 2<br>Theft 2 ($250-$1,500)<br>Forgery<br>Render criminal assistance 1<br>Promote prostitution 2 | 20-27 | 27-34 | 34-41 |
| | CDS with 5-year maximum | 10-23 | 23-36 | 36-48 |
| | Manslaughter 2<br>Rape 3<br>Assault 3<br>Auto theft<br>Extortion 2<br>Incest<br>Communication with minor for immoral purposes | 24-44 | 44-64 | 64-84 |
| B | Livestock theft<br>Poss. of stolen property<br>Bribery<br>Perjury<br>Bribing witness<br>Promote prostitution 1 | 18-24 | 24-30 | 30-36 |
| | Burglary 2<br>Theft 1<br>Extortion 1<br>Contraband<br>Malicious mischief<br>Escape 1<br>CDS | 24-36 | 36-48 | 48-60 |
| | Manslaughter 1<br>Assault 2<br>Arson 2<br>Kidnap 2<br>Robbery 2<br>Rape 2<br>Indecent liberties<br>Felon with firearm | 36-52 | 52-68 | 68-84 |

*Figure 8.2: Tentative Guidelines Using Base Expectancy Measures*

| Felony Class | Offense Group | Base Expectancy Groups | | |
|---|---|---|---|---|
| | | High Success | Medium Success | Low Success |
| Other | Non-violent offenses, including:<br>Burglary<br>Larceny<br>Auto theft<br>Possesion of stolen property<br>Drug offenses<br>Escape | 18-31 | 31-44 | 44-57 |
| | Violent offenses, including:<br>Assault<br>Weapons violations<br>Robbery<br>Sex offenses | 24-48 | 48-72 | 72-96 |
| A | Larceny<br>Receiving stolen property<br>Auto theft<br>Escape<br>Checks<br>Other | 15-34 | 34-53 | 53-72 |
| | Sale of drugs to person under 18<br>Sale of heroin (2nd offense) | 18-52 | 52-86 | 86-120 |
| | Assault 1<br>Arson 1<br>Robbery 1<br>Burglary 1 | 24-60 | 60-96 | 96-132 |
| | Murder 2<br>Kidnap 1<br>Rape 1 | 36-104 | 104-172 | 172-240 |
| Murder 1 | | 10-19 years | 19-28 years | 28-36 years |

Note: Felony classes are based on length of maximum sentence:
Class C -- 5 years or less
Class B -- 10 years or less
Other -- more than 10 years, but less than 20
Class A -- 20 years or more

*Figure 8.2: Tentative Guidelines Using Base Expectancy Measures (continued)*

## Washington State Board of Prison Terms and Paroles
## Tentative Guidelines for Time to be Served
## (in months)

| Felony Class | Offense Group | Prior Criminal Record | | | |
|---|---|---|---|---|---|
| | | None | Minor | Moderate | Serious |
| C | CDS with 2-year maximum<br>Forgery of prescription<br>Others with 2-yr. max. | 1-2 | 2-3 | 4-5 | 5-6 |
| | Promote suicide<br>Unlawful imprisonment<br>Bigamy<br>Trading public office<br>Perjury 2<br>Tampering with witness<br>Escape 2<br>Possession of stolen property 2 | 1-3 | 4-6 | 7-9 | 10-12 |
| | CDS with 5-year maximum | 2-5 | 6-10 | 11-14 | 15-18 |
| | Reckless burning 1<br>Malicious mischief 2<br>Theft 2 ($250-$1,500)<br>Forgery<br>Render criminal assistance 1<br>Promote prostitution 2 | 4-7 | 8-12 | 13-16 | 17-20 |
| | Manslaughter 2<br>Rape 3<br>Assault 3<br>Auto theft<br>Extortion 2<br>Incest<br>Communicate with minor for immoral purpose | 6-12 | 13-18 | 19-24 | 25-30 |
| B | Livestock theft<br>Poss. stolen property<br>Bribery<br>Perjury<br>Bribing witness<br>Promote prostitution 1 | 1-5 | 6-11 | 12-18 | 19-24 |
| | Burglary 2<br>Theft 1<br>Extortion 1<br>Contraband<br>Malicious mischief<br>Escape 1<br>CDS | 5-9 | 10-15 | 16-20 | 21-25 |
| | Manslaughter 1<br>Assault 2<br>Arson 2<br>Kidnap 2<br>Robbery 2<br>Rape 2<br>Indecent liberties<br>Felon with firearm | 5-12 | 13-19 | 20-26 | 27-34 |

*Figure 8.3: Tentative Guidelines - Time to be Served*

| Felony Class | Offense Group | Prior Criminal Record | | | |
|---|---|---|---|---|---|
| | | None | Minor | Moderate | Serious |
| Other | Non-violent offenses, including:<br>Burglary<br>Larceny<br>Auto theft<br>Possession of stolen property<br>Drug offenses<br>Escape | 2-7 | 8-13 | 14-19 | 20-24 |
| | Violent offenses, including:<br>Assault<br>Weapons violations<br>Robbery<br>Sex offenses | 3-8 | 9-15 | 16-21 | 22-28 |
| A | Larceny<br>Receiving stolen property<br>Auto theft<br>Escape<br>Checks<br>Other | 1-8 | 9-17 | 18-25 | 26-32 |
| | Sale of drugs to person under 18<br>Sale of heroin (2nd offense) | 6-15 | 16-23 | 24-32 | 33-40 |
| | Assault 1<br>Arson 1<br>Robbery 1<br>Burglary 1 | 10-17 | 18-25 | 26-33 | 34-40 |
| | Murder 2<br>Kidnap 1<br>Rape 1 | 12-19 | 20-28 | 29-36 | 37-44 |
| Murder 1 | | 24-31 | 32-39 | 40-47 | 48-54 |

Note: Felony classes are based on length of maximum sentence:
Class C -- 5 years or less
Class B -- 10 years or less
Other -- more than 10 years but less than 20
Class A -- 20 years or more

*Figure 8.3: Tentative Guidelines - Time to be Served (continued)*

to mean seriousness ratings and the prior criminal record classification previously described is also employed. (A third model, substituting the Base Expectancy Classification for the prior record classes could, of course, be substituted if desired by the Board.)

Time constraints precluded a wholly adequate assessment of the fit of the guidelines models in new samples of decisions. For that assessment, the actual decisions (minimum sentences set and time served before parole) for each individual in new samples would be required. Data were available, however, for the *ranges* of minimum sentences and time served, by specific offense classification, for two samples. These data were available for all persons whose minimum terms were set during January, 1977 and for all persons released during November and December, 1976. Since the number of cases in a given classification (such as specific offense by prior record) tends to be small (often one or two persons), the individual data is known from the range for most but not all cases.

The Minimum Sentence Model I (Figure 8.1, Felony Class by Prior Criminal Record) was assessed in this way. Minimum sentences were assigned in January, 1977 to 80 persons. The minimum sentences by offense were known (from the ranges, as noted above) for all individuals but six; the sentences by offense *and* prior record were known for 61 persons.

The minimum sentences were set within the specified guideline ranges for the offenses shown (disregarding prior record) 89 percent of the time. When the classification is based on both the offense and prior record, however, only 31 percent of cases were within the more restricted guideline ranges. Many (44 percent) were fixed below the guideline ranges; the remaining fourth, of course, were set above these ranges.

This examination is sufficient to suggest that the offense seriousness classification and the ranges shown may be quite adequate for the minimum sentence model. The prior record classification, on the other hand, appears to add little to the ability of the model to describe current decisions.

It was not possible, with available data, to examine the other tentative models in this way. Fortunately, the Washington State Board of Prison Terms and Paroles is equipped to further this study with the aid of staff of the Parole Decisions Project. It is hoped that the Board will be able to examine the tentative models in a more detailed way, then revise them.

The next steps toward shaping the models to provide better descriptions of decisions, and a better "fit" of the models to current decisions, should be to examine this fit in new samples. The results should aid in the decision as to whether the second dimension included (after offense seriousness) should be the prior record or Base Expectancy Classification. The Board may, on the other hand, wish to consider also the implications for paroling philosophy given by this decision. For example, the inclusion of the Base Expectancy measure may be more in accord with an indeterminate sentencing philosophy, while the inclusion of the prior record classification may be more consistent with desert principles. In any case, a further examination of the models in relation to present practice would be useful.

After such testing, it seems probable that the tentative models proposed, modified from analysis of actual decisions compared with those expected from the models, could be revised to provide guidelines useful to the Board.

# Chapter 9

# New Jersey

Carol Rauh and Don M. Gottfredson

The New Jersey State Parole Board is composed of three persons -- a Chairman and two Associate Members -- who are responsible for deciding individual cases and formulating paroling policy. The Board has jurisdiction over inmates in the state prison complex and over persons serving sentences of one year or more in the county correctional facilities of Essex, Hudson, Middlesex and Mercer counties.

Cases are prepared for the Board's consideration by parole counselors assigned to the correctional facilities where inmates are housed. There is a full-time counselor at each of the three adult institutions for men (Trenton, Rahway, and Leesburg State Prisons); one counselor for the facilities at Yardville and Bordentown; and a part-time counselor at the Clinton facility for women, where a small number of men are also housed.

Before the actual parole hearing, eligible inmates are interviewed by the parole counselor and informed as to what will occur at the hearing. The counselor also prepares a summary of the inmate's history for reference by the Board during the hearing. Comments as to whether parole is recommended may be included.

The Board considers about 2,500 cases per year. Hearings are conducted for all inmates eligible for parole. Eligibility varies by offender status, as described in the statutes (NJSA 30:4-123.10 through 123.12). First offenders are required to serve either their minimum sentence less commutation time, or one-third of the fixed maximum sentence less commutation time. Persons deemed second offenders must serve one-half of the maximum sentence, third offenders two-thirds, and fourth offenders four-fifths of the maximum sentence, all less commutation time. Offenders with life sentences are eligible after 25 years, less commutation time.

There are three decision alternatives in the New Jersey paroling process: an inmate may be granted parole, scheduled for a rehearing, or required to serve the maximum sentence, less commutation time, without further parole consideration. A unanimous Board decision is required for parole to be granted. Each case is heard by

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the full Board; and if the members are unable to reach a consensus, the inmate is rescheduled for hearing at a later date.

New Jersey law specifies that the Board shall not grant parole absent the opinion that there is reasonable probability that the prisoner will live in the community without violation of the law, that his release is compatible with the welfare of society, and that he has a suitable community plan, including provision for self-sustaining employment (NJSA 30:4-123.14 and 123.19). The information which may be used in the parole determination is also set forth by statute (NJSA 30:4-123.18) and relates to the areas of institutional behavior, work performance, attitude, the circumstances of the offense, and prior history.

## Data Collection

Members of the research team initially met with the New Jersey State Parole Board in April, 1975 to discuss their active collaboration in the study. The incumbent Chairman was then in the process of leaving the Board; for this reason, active data collection did not begin until almost a year later, after a new Chairman was appointed.

The form used to collect the data, shown in Appendix C, was based on that used in the other states. Modifications were made to adapt the form to the particular concerns of the New Jersey Board; these additional items were included as a result of discussions with members of the Board. A rating of the quality of the inmate's parole plan was included as a scale, as well as items concerning the number of prior probations, paroles, and such revocations; the offender's status as described in the statutes; and information on escape and work release and furlough performance.

Data collection began on February 1, 1976 and continued through June 30, 1976. A total of 1,051 case evaluation forms, representing 597 case decisions, was completed. Inmates in the sample with maximum sentences of more than 30 years (17 persons) were excluded from the analyses due to special concerns surrounding the release of these long-term offenders.

Initially, three forms per case were completed, one by each Board member, so that Board member variability could be assessed. This analysis has not yet been undertaken, however, due to time constraints of the project, which required that primary emphasis be given to the development of paroling policy guidelines.

So that the data could be analyzed on an individual case basis, a procedure was developed to merge the information for each case where more than one form per case had been completed (193 cases). This procedure involved the calculation of a mean Board rating for each scale on the form; the other static items, including offense, time served, and maximum sentence, also were recorded on the single combined card. Analyses were performed using this merged data set, together with the data set resulting from the 404 cases where a single form had been completed. For the latter, it had been decided that the Board member completing the form would rate the case based on Board consensus.

## Preliminary Analyses

As an initial approach to understanding the nature of the parole decision in New Jersey, a variety of descriptive analyses were performed to examine the relations among the items collected by means of the case evaluation form. Discussions with the Board revealed their concern over the nature of the commitment offense. It therefore seemed reasonable to begin by dividing the sample into offense groups, and by viewing the relations of the variables to the granting of parole in each group.

Parole granting according to a set of broad offense groups is shown in Table 9.1. As can be seen, the parole rate varies by type of offense, from a rate of 41 percent for the homicide/manslaughter group to 59 percent for the larceny, fraud, and check offense group.

The Board's ratings of offenders convicted of offenses classed as "violent" (including homicide, sex offenses, robbery, and assault -- see Table 9.1) may be seen in Table 9.2. (The data collection form included in Appendix D will assist the reader in interpreting the ratings; note that the ranges of judgments allowed vary among the items). Significant differences between inmates paroled and denied were found for some but not all of the included variables. Those denied (i.e., continued) received more variable ratings of seriousness of offense and institutional discipline than did those paroled. Inmates paroled were rated better risks, as having somewhat better institutional discipline and program participation records, as being less prone to assaultive behavior, as having less serious prior criminal records, and as having somewhat better parole plans.

## Table 9.1

## Offenders Granted Parole, Analyzed by Offense Group

| Offense Group | N | Percent Granted Parole |
|---|---|---|
| Murder, Manslaughter | 81 | 41 |
| Sex Offenses | 38 | 42 |
| Robbery | 152 | 45 |
| Burglary | 73 | 45 |
| Assault, Kidnap, Weapons Violations | 111 | 49 |
| Drug Offenses | 70 | 51 |
| Larceny, Fraud, Check Offenses, Embezzlement, Receiving Stolen Property | 32 | 59 |
| Other Offenses | 19 | 53 |
| All Violent Offenses | 382 | 45 |
| All Non-violent Offenses | 194 | 51 |
| All Offenses | 576 | 47 |

## Table 9.2

### Ratings of Offenders Convicted of Violent Offenses, Analyzed by Decisions to Grant Parole, Rehear, or Serve Maximum

| Variables | Parole | | | Rehear | | | | | Serve Maximum | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation | F | t | Number | Mean | Standard Deviation |
| Seriousness of Offense | 168 | 63 | 10 | 184 | 68 | 12 | 1.555* | - | 25 | 65 | 9 |
| Parole Prognosis | 170 | 46 | 8 | 184 | 38 | 10 | 1.074 | 8.04* | 25 | 32 | 10 |
| Institutional Discipline | 168 | 31 | 7 | 183 | 28 | 9 | 1.429* | - | 24 | 23 | 7 |
| Program Participation | 169 | 32 | 6 | 183 | 28 | 7 | 1.189 | 5.47* | 24 | 23 | 5 |
| Assaultive Potential | 168 | 35 | 7 | 181 | 38 | 7 | 1.101 | -4.10* | 24 | 39 | 7 |
| Prior Criminal Record | 168 | 35 | 11 | 184 | 38 | 11 | 1.013 | -2.15 | 24 | 41 | 8 |
| Quality of Parole Plan | 159 | 32 | 6 | 167 | 28 | 5 | 1.234 | 6.89* | 21 | 26 | 6 |
| Number of Prior Hearings | 171 | 1 | 1 | 186 | 1 | 1 | 1.130 | 2.26 | 25 | 1 | 1 |
| Time Served | 170 | 37 | 24 | 183 | 37 | 22 | 1.126 | -0.10 | 25 | 42 | 35 |
| Maximum Sentence | 171 | 103 | 67 | 183 | 129 | 73 | 1.170 | -3.46* | 25 | 80 | 67 |
| Effective Sentence | 171 | 75 | 43 | 186 | 91 | 48 | 1.201 | -3.23* | 25 | 59 | 44 |
| Offender Status | 171 | 1 | 0.5 | 186 | 1 | 0.3 | 2.025* | - | 24 | 1.5 | 1 |
| Number of Prior Probations | 166 | 1 | 1 | 184 | 1 | 1 | 1.065 | -0.98 | 24 | 1.5 | 1.5 |
| Number of Prior Probation Revocations | 169 | 0.3 | 0.8 | 186 | 0.5 | 1 | 1.273 | -2.27 | 24 | 0.5 | 1 |
| Number of Prior Paroles | 171 | 1 | 1 | 186 | 1 | 1 | 1.145 | -1.49 | 25 | 1 | 1 |
| Number of Prior Parole Revocations | 170 | 0.5 | 1 | 186 | 0.5 | 1 | 1.612* | - | 24 | 1 | 1 |

* Significant at the one-percent level of confidence

Those continued had, on the average, longer maximum sentences. Offenders required to serve out their maximum sentence had, on the average, served more time on sentences that were considerably shorter than persons who were paroled or scheduled for another hearing. This group also had greater prior contact with the law.

The comparisons (on the same measures) of offenders convicted of non-violent offenses are shown in Table 9.3. Inmates denied parole (those scheduled for another hearing and those made to serve the maximum sentence) were judged as more variable on institutional discipline, less variable on the quality of parole plans. They were rated as poorer risks, as having poorer program participation, and as having higher potential for assaultive behavior. The "Serve Maximum" group had served slightly more time on sentences that were, on the average, considerably shorter.

Board member judgments of offenders within each offense group may be seen in Tables 9.4, 9.5, and 9.6. Only the variables on which inmates paroled and those scheduled for a rehearing differed significantly (on either the test of homogeneity of variance or of the difference between means) are shown; statistical tests for the "Serve Maximum" group were ignored due to the small sample. There are differences in the expected directions for inmates granted and denied parole.

An examination of the correlation matrix (Table 9.7) shows that parole prognosis was the variable most highly correlated with decisions over the whole sample, and it was only moderately correlated ($r_{pb} = .38$). The quality of the parole plan was moderately related to decisions also ($r_{pb} = .34$). Other items had significant but low associations with the decisions: program participation ($r_{pb} = .28$), institutional discipline ($r_{pb} = .25$), assaultive potential ($r_{pb} = -.21$), and seriousness of the offense ($r_{pb} = -.21$).

Since none of the associations was more than modest, these variables merely suggested some areas which may affect the Board's decisions on parole granting *versus* continuance.

When a similar analysis was done concerning only persons paroled (233) a very strong positive correlation was found between the maximum sentence and time served in custody, in months ($r = .87$). That is, three-fourths (76 percent) of the variation in decision outcomes, measured by months served, among paroled offenders, was accounted for simply by the maximum sentence. It may be said that, once the decision is to parole, the actual time to be served

## Table 9.3

### Ratings of Offenders Convicted of Non-Violent Offenses, Analyzed by Decisions to Grant Parole, Rehear, or Serve Maximum

| Variables | Parole | | | Rehear | | | | | Serve Maximum | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation | F | t | Number | Mean | Standard Deviation |
| Seriousness of Offense | 98 | 50 | 10 | 76 | 54 | 12 | 1.355 | -2.08 | 20 | 56 | 10 |
| Parole Prognosis | 97 | 44 | 11 | 75 | 37 | 9 | 1.516 | 3.87* | 20 | 31 | 11 |
| Institutional Discipline | 98 | 32 | 6 | 76 | 28 | 8 | 1.766* | - | 20 | 27 | 7 |
| Program Participation | 95 | 30 | 6 | 74 | 27 | 6 | 1.015 | 2.84* | 19 | 27 | 7 |
| Assaultive Potential | 95 | 26 | 7 | 74 | 30 | 8 | 1.256 | -2.86* | 19 | 29 | 7 |
| Prior Criminal Record | 96 | 36 | 11 | 76 | 40 | 10 | 1.258 | -2.32 | 20 | 45 | 7 |
| Quality of Parole Plan | 83 | 31 | 6 | 65 | 28 | 5 | 1.824* | - | 17 | 28 | 6 |
| Number of Prior Hearings | 97 | 1 | 1 | 76 | 0.5 | 1 | 1.310 | 0.98 | 20 | 1 | 1 |
| Time Served | 98 | 22 | 18 | 76 | 20 | 14 | 1.592 | 1.11 | 20 | 26 | 17 |
| Maximum Sentence | 96 | 62 | 44 | 76 | 67 | 48 | 1.206 | -0.69 | 20 | 46 | 27 |
| Effective Sentence | 98 | 46 | 31 | 76 | 50 | 32 | 1.075 | -0.91 | 20 | 35 | 20 |
| Offender Status | 98 | 1 | 0.5 | 76 | 1 | 0.5 | 1.314 | -0.78 | 20 | 2 | 1.5 |
| Number of Prior Probations | 96 | 1 | 1 | 75 | 1.5 | 1.5 | 1.615 | -0.98 | 20 | 1.5 | 1 |
| Number of Prior Probation Revocations | 98 | 0.5 | 1 | 76 | 0.5 | 1 | 1.378 | -0.30 | 20 | 1 | 1 |
| Number of Prior Paroles | 98 | 1 | 1 | 76 | 1.5 | 1.5 | 1.457 | -1.65 | 20 | 1.5 | 2 |
| Number of Prior Parole Revocations | 97 | 0.5 | 1 | 76 | 1 | 1 | 2.170* | - | 20 | 1 | 1.5 |

* Significant at the one-percent level of confidence

Table 9.4

Ratings of Offenders by Offense Group, by Decisions to Grant Parole. Rehear, or Serve Maximum

| Variables | Parole | | | Rehear | | | F | t | Serve Maximum | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation | | | Number | Mean | Standard Deviation |
| MURDER AND MANSLAUGHTER | | | | | | | | | | | |
| Seriousness of Offense | 33 | 72 | 9 | 47 | 79 | 9 | 1.153 | -3.68* | 0 | - | - |
| Parole Prognosis | 33 | 55 | 10 | 46 | 44 | 11 | 1.092 | 4.59* | 0 | - | - |
| Program Participation | 32 | 33 | 6 | 47 | 29 | 6 | 1.026 | 3.18* | 0 | - | - |
| Quality of Parole Plan | 31 | 33 | 6 | 44 | 29 | 5 | 1.167 | 3.36* | 0 | - | - |
| Number of Prior Probation Revocations | 33 | 0.1 | 0.3 | 48 | 0.1 | 0.5 | 2.573* | - | 0 | - | - |
| ASSAULT, KIDNAP, AND WEAPONS VIOLATIONS | | | | | | | | | | | |
| Parole Prognosis | 54 | 44 | 9 | 50 | 37 | 9 | 1.085 | 3.56* | 7 | 35 | 8 |
| Institutional Discipline | 53 | 32 | 7 | 49 | 28 | 6 | 1.418 | 2.73* | 7 | 25 | 6 |
| Program Participation | 54 | 31 | 5 | 50 | 28 | 6 | 1.480 | 3.43* | 7 | 27 | 4 |
| Assaultive Potential | 53 | 34 | 6 | 49 | 39 | 7 | 1.178 | -3.51* | 7 | 41 | 7 |
| Quality of Parole Plan | 51 | 31 | 4 | 45 | 28 | 5 | 1.985* | - | 5 | 26 | 5 |
| Number of Prior Hearings | 54 | 1 | 1 | 50 | 1 | 1 | 2.300* | - | 7 | 1 | 1 |
| Time Served | 54 | 29 | 25 | 50 | 29 | 17 | 2.245* | - | 7 | 28 | 23 |
| Number of Prior Probation Revocations | 54 | 0.3 | 0.6 | 50 | 1 | 1 | 2.935* | - | 7 | 0.3 | 0.5 |

* Significant at the one-percent level of confidence

## Table 9.5

### Ratings of Offenders by Offense Group, by Decisions to Grant Parole, Rehear, or Serve Maximum

| Variables | Parole | | | Rehear | | | F | t | Serve Maximum | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation | | | Number | Mean | Standard Deviation |
| **ROBBERY** | | | | | | | | | | | |
| Parole Prognosis | 67 | 44 | 7 | 70 | 34 | 9 | 1.402 | 6.71* | 14 | 30 | 9 |
| Institutional Discipline | 67 | 29 | 7 | 69 | 25 | 9 | 1.672 | 3.13* | 14 | 21 | 7 |
| Program Participation | 67 | 30 | 6 | 68 | 27 | 7 | 1.551 | 2.55* | 14 | 21 | 5 |
| Assaultive Potential | 67 | 33 | 5 | 69 | 36 | 6 | 1.442 | -3.57* | 14 | 37 | 7 |
| Prior Criminal Record | 68 | 37 | 10 | 70 | 42 | 8 | 1.772* | - | 14 | 40 | 8 |
| Quality of Parole Plan | 63 | 32 | 6 | 61 | 27 | 6 | 1.358 | 4.43* | 13 | 26 | 6 |
| Offender Status | 68 | 1 | 0.5 | 70 | 1 | 0.3 | 3.750* | - | 14 | 1.5 | 1 |
| Number of Prior Parole Revocations | 67 | 0.6 | 1 | 70 | 1 | 1 | 1.939* | - | 14 | 1 | 1 |
| **SEX OFFENSES** | | | | | | | | | | | |
| Seriousness of Offense | 16 | 62 | 9 | 18 | 71 | 8 | 1.512 | -3.04* | 4 | 68 | 10 |
| Parole Prognosis | 16 | 49 | 9 | 18 | 38 | 8 | 1.179 | 3.68* | 4 | 35 | 13 |
| Quality of Parole Plan | 14 | 36 | 7 | 17 | 29 | 3 | 5.027* | - | 3 | 27 | 6 |
| Offender Status | 16 | 1 | 0.5 | 18 | 1 | 0.3 | 3.481* | - | 4 | 1.5 | 0.5 |
| Number of Prior Paroles | 16 | 1 | 1 | 18 | 0.5 | 0.5 | 3.773* | - | 4 | 2 | 1.5 |
| Number of Prior Probation Revocations | 16 | 0.1 | 0.3 | 18 | 0.5 | 0.5 | 4.248* | - | 4 | 0.5 | 1 |

* Significant at the one-percent level of confidence

## Table 9.6

## Ratings of Offenders by Offense Group, by Decisions to Grant Parole, Rehear, or Serve Maximum

| Variables | Parole |  |  | Rehear |  |  | F | t | Serve Maximum |  |  |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Number | Mean | Standard Deviation | Number | Mean | Standard Deviation |  |  | Number | Mean | Standard Deviation |
| BURGLARY |  |  |  |  |  |  |  |  |  |  |  |
| Quality of Parole Plan | 27 | 32 | 6 | 26 | 28 | 4 | 2.575 | 2.57* | 8 | 26 | 6 |
| LARCENY, CHECK OFFENSES, AND EMBEZZLEMENT |  |  |  |  |  |  |  |  |  |  |  |
| Time Served | 19 | 15 | 12 | 8 | 13 | 4 | 10.344* | - | 5 | 22 | 13 |
| Maximum Sentence | 18 | 48 | 48 | 8 | 40 | 11 | 19.154* | - | 5 | 34 | 18 |
| Effective Sentence | 19 | 34 | 33 | 8 | 31 | 8 | 19.357* | - | 5 | 26 | 13 |
| Offender Status | 19 | 1 | 0 | 8 | 1.5 | 1 | 0 | -3.77* | 5 | 1.5 | 0.5 |
| DRUG OFFENSES |  |  |  |  |  |  |  |  |  |  |  |
| Institutional Discipline | 36 | 32 | 4 | 30 | 30 | 10 | 4.782* | - | 4 | 23 | 5 |
| Time Served | 36 | 27 | 19 | 30 | 20 | 10 | 3.429* | - | 4 | 32 | 31 |
| Number of Prior Parole Revocations | 36 | 0.3 | 0.7 | 30 | 0.5 | 1 | 2.376* | - | 4 | 2 | 3 |
| OTHER OFFENSES |  |  |  |  |  |  |  |  |  |  |  |
| Parole Prognosis | 10 | 51 | 11 | 8 | 36 | 7 | 2.274 | 3.33* | 1 | 40 | 0 |
| Institutional Discipline | 10 | 37 | 5 | 8 | 28 | 4 | 1.626 | 4.08* | 1 | 30 | 0 |
| Assaultive Potential | 10 | 19 | 5 | 8 | 30 | 15 | 9.038* | - | 1 | 30 | 0 |

* Significant at the one-percent level of confidence

appears to be guided by the judicially imposed sentence *or* to be guided by factors correlated with those used in sentencing.[1] The offense seriousness ratings were moderately correlated with time served among those paroled (r = .39). A low positive association was found (r = .28) between judgments of assaultive potential and months served. Other items had low, negligible, or no correlation with time served.

Of course, many of the items included were correlated with each other, as seen in Table 9.7, which gives a matrix of correlations for the whole sample. For example, moderate correlations with the Board's judgments of parole prognosis were found: with ratings of institutional discipline (.40), of program participation (.38), of prior criminal record (-.46), of parole plan (.46), and with the number of prior paroles (-.32). A low negative correlation (-.28) was found between prior parole revocations and time served.

## Formulation of Tentative Guidelines

Following the method used in both the earlier study with the United States Parole Commission and the more recent work with the California Youth Authority and Washington State paroling authority, tentative guidelines for New Jersey were derived from multiple linear regression analyses of the data. This technique was used because it takes into account the relations of the items to the decisions, their intercorrelations, and provides an estimate of the weight that should be applied to each item used in arriving at an expected value.

The model conceptualizes the decision process as a sequential one. The first task is to estimate the ex-

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[1] Unless there is a legislatively prescribed mandatory sentence, New Jersey judges have discretion in sentencing within ranges prescribed for particular offenses. When an offender is sentenced to prison, a sentence with minimum and maximum limits must be imposed (NJSA 2A:164-17). The minimum must be one year; the maximum cannot exceed that provided by statute. In multiple offense convictions, consecutive sentences may be imposed. Prior convictions for high misdemeanors enable the imposition of a longer sentence than otherwise permitted, with the maxima of sentences lengthened in this manner limited according to the number of prior convictions (NJSA 2A:85-8; 85-9; 85-12).

## Table 9.7

Correlations of Ratings, Number of Prior Hearings, Time Served, Maximum Sentence Offender Status and Prior Supervision Record, with Numbers of Cases Entering Computation*

| Variables | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 Decision | | 571 | 571 | 569 | 564 | 561 | 568 | 512 | 575 | 572 | 571 | 576 | 565 | 573 | 576 | 573 |
| 2 Seriousness of Offense | -.21 | | 568 | 567 | 561 | 558 | 563 | 509 | 570 | 567 | 566 | 571 | 561 | 568 | 571 | 568 |
| 3 Parole Prognosis | .38 | -.04 | | 566 | 562 | 558 | 563 | 511 | 570 | 567 | 567 | 571 | 560 | 568 | 571 | 568 |
| 4 Institutional Discipline | .25 | -.02 | .40 | | 562 | 558 | 562 | 509 | 568 | 566 | 565 | 569 | 558 | 566 | 569 | 566 |
| 5 Program Participation | .28 | .02 | .38 | .45 | | 555 | 557 | 507 | 563 | 561 | 560 | 564 | 553 | 561 | 564 | 561 |
| 6 Assaultive Potential | -.21 | .51 | -.15 | -.22 | -.07 | | 555 | 506 | 560 | 558 | 557 | 561 | 550 | 558 | 561 | 558 |
| 7 Prior Criminal Record | -.16 | -.07 | -.46 | -.26 | -.16 | .16 | | 508 | 567 | 564 | 563 | 568 | 559 | 565 | 568 | 565 |
| 8 Quality of Parole Plan | .34 | -.13 | .46 | .30 | .38 | -.10 | -.32 | | 511 | 509 | 510 | 512 | 502 | 511 | 512 | 509 |
| 9 Number of Prior Hearings | .07 | .16 | .02 | -.20 | -.05 | .11 | .08 | .04 | | 571 | 570 | 565 | 564 | 572 | 575 | 572 |
| 10 Time Served | -.02 | .38 | -.01 | -.12 | -.01 | .28 | .00 | .02 | .61 | | 568 | 572 | 561 | 570 | 572 | 570 |
| 11 Maximum Sentence | -.11 | .46 | .08 | -.03 | .08 | .31 | -.07 | .06 | .36 | .83 | | 571 | 560 | 568 | 571 | 568 |
| 12 Offender Status | -.01 | -.08 | -.17 | .01 | -.08 | -.02 | .22 | -.09 | -.06 | .06 | -.07 | | 565 | 573 | 576 | 573 |
| 13 Number of Prior Probations | -.06 | -.02 | -.21 | -.13 | -.04 | .04 | .37 | -.15 | .02 | -.06 | -.11 | -.02 | | 562 | 565 | 562 |
| 14 Number of Prior Probation Revocations | -.09 | .05 | -.19 | -.17 | -.07 | .09 | .28 | -.18 | .03 | -.05 | -.10 | -.06 | .69 | | 573 | 571 |
| 15 Number of Prior Paroles | -.10 | -.10 | -.32 | -.20 | -.16 | .06 | .43 | -.17 | .07 | -.01 | -.08 | .08 | .28 | .24 | | 573 |
| 16 Number of Prior Parole Revocations | -.13 | .02 | -.28 | -.17 | -.11 | .12 | .34 | -.19 | .09 | .03 | -.02 | .02 | .25 | .34 | .78 | |

* Correlation coefficients are shown below the diagonal (i.e., lower portion of the table); numbers entering the computation are shown above the diagonal (i.e., upper portion). Significant correlations ($p < .01$) are underlined.

pected length of time to be served in confinement before parole. First the appropriate length of time to be served, if paroled, is determined and compared with the actual time that has been served. If the inmate is (on the basis of that comparison) deemed to have served sufficient time, the guideline form, called a "Parole Expectancy" which seeks to differentiate between inmates granted parole and those denied, is completed to determine, on the basis of further Board judgments, "readiness" for parole. In the case of inmates denied parole, there is a further decision: should the inmate be rescheduled for a hearing at a later date (and if so, when?) or should the maximum sentence, less commutation time, be served?

The summary of the regression analysis with time served as the dependent variable is shown in Table 9.8. The multiple correlation coefficient of .88 indicates a very strong association of these items, in a linear combination with time to be served before parole (accounting for more than three-fourths of the variation in time served). The Board's judgments of seriousness of the offense, prior criminal record, program participation, and quality of the parole plan add very little information to that given simply by the maximum sentence assigned by the court.[2]

The summary of the regression analysis with parole granted *versus* denied as the dependent variable is shown in Table 9.9. The multiple correlation coefficient of .48 indicates that a moderate (approximate, though not close) prediction of the probability of parole may be discerned from the maximum sentence augmented by the Board's assessments of the parole prognosis, the seriousness of the offense, participation in institutional programs, and quality of the parole plan.

## Adaptation of the Regression Equations to the Tentative Guideline Model

The tentative guideline model provides a sequential decision scheme which incorporates concerns for both punishment and crime control. First, a structure is given to determine the expected time to be served prior

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[2] The item "assaultive potential," mentioned above as having a low correlation with time served, was deleted from the analysis in view of the difficulty in operational definition.

## Table 9.8

### Regression of Offender Status Variables and Decision-Maker Ratings on Months Served in Custody by Offenders Paroled (N = 233)

| Variables | Multiple Correlation Coefficient | $R^2$ | Change in $R^2$ | Correlation Coefficient | B | Beta |
|---|---|---|---|---|---|---|
| Maximum Sentence | .87 | .75 | .75 | .87 | .312 | .855 |
| Seriousness | .87 | .75 | .001 | .39 | .071 | .035 |
| Program Participation | .87 | .75 | .002 | .12 | -.137 | -.035 |
| Prior Criminal Record | .88 | .77 | .01 | .13 | .264 | .124 |
| Parole Plan | .88 | .77 | .0001 | .08 | .045 | .011 |
| Constant | | | | | -6.338 | |

Table 9.9

Regression of Offender Status Variables and Decision-Maker Ratings on Parole Decision Outcomes (Grant/Deny) (N = 504)

| Variables* | Multiple Correlation Coefficient | $R^2$ | Change in $R^2$ | Correlation Coefficient** | B | Beta |
|---|---|---|---|---|---|---|
| Maximum Sentence | .13 | .02 | .02 | -.13 | -.001 | -.082 |
| Seriousness of the Offense | .23 | .05 | .04 | -.23 | -.006 | -.150 |
| Parole Prognosis | .44 | .20 | .14 | .39 | .012 | .276 |
| Program Participation | .47 | .22 | .02 | .29 | .010 | .136 |
| Quality of Parole Plan | .48 | .23 | .01 | .30 | .011 | .137 |
| Constant | | | | | -.248 | |

* Point biserial correlation coefficients with decision outcome scored parole = 1, deny = 0

** Variables were excluded when less than one percent increase in $R^2$ obtained by inclusion to parole, if paroled. If an offender is deemed on that basis to have served sufficient time, the model then provides a procedure for the decision to parole or not. Given that the decision is to deny parole, a guide is included for determining the appropriate continuance.

A guide to the first two decisions, adapted from the regression analysis and modified by discussions with the Board is shown in Figure 9.1. The dimensions used to formulate the grid -- maximum sentence and prior criminal record -- are the variables which "explained" most of the variation in time served; but it should be noted that only a small contribution was made by the prior record ratings. The classification scheme developed for North Carolina for rating inmates' prior record (Chapter 3, page 65 ) was included in the model as an example; a procedure based on actual practices of the New Jersey Board would have to be developed as a next step toward operationalizing the model. For each maximum sentence category, the mean time served and standard deviations were used as a guide for setting the overall range within each category.

If it appears that sufficient time has been served by the offender, parole then would be decided from a basis of further judgments by the Board. The "Parole Expectancy," shown in Figure 9.1, includes the Board's ratings of quality of the parole plan, program participation, parole prognosis, and seriousness of the offense. (This device is adapted directly from the regression equation.) As noted in discussing the similar California Youth Authority model (page 178 ), this scheme thus includes substantial subjectivity but it does require that these judgments be made explicitly. Development of objective classification procedures to substitute for the subjective ratings (or an empirically derived prediction device in the case of the parole prognosis item) was discussed with the Board as a desirable refinement of the model.

The score ranges developed from the procedures shown in Figure 9.1 are shown in Table 9.10 as a possible decision rule. The proportions granted parole decrease with decreasing scores. The three general categories were defined somewhat arbitrarily and after inspection of the data in order to identify, if possible, substantial groups with high and low probabilities of parole. It should be noted that these data all relate to the sample initially studied and do not involve a "validation" or "test" sample. In the absence of such repeated samples, the risk of capitalizing on chance variation is enhanced, but the availability of these awaits further study. Since the

## New Jersey State Parole Board
## Tentative Guidelines

For offenders with sentences of 30 years or less

**MAXIMUM SENTENCE:** ____________________ years

I. PRIOR CRIMINAL RECORD CLASSIFICATION
(Do not include present sentence, juvenile record, arrests and convictions not followed by incarceration.)

| Class | Length of prior Maximum Active Sentences* |
|---|---|
| A | Over 10 years |
| B | Over 5 years, including but not exceeding 10 years |
| C | Over 1 year, including but not exceeding 5 years |
| D | Over 6 months, including but not exceeding 1 year |
| E | Six months or less |

| | None | Minor | Moderate | Serious |
|---|---|---|---|---|
| Sentences at this level: | | D, E | B, C, D, E | A, B, C, D, E |
| Greatest possible sentence combinations at this level: | no convictions | 1D + 2E's<br>4E's<br>2D's | 1B<br>2C's<br>1C + 2D's<br>1C + 4E's<br>1C + 1D + 2E's<br>2D's + 4E's<br>1D + 6E's<br>8E's<br>4D's | Any combination that exceeds Moderate |

* An active sentence is a sentence on which the offender actually served prison or jail time.

The Board may go outside the guidelines to take into consideration mitigating factors or aggravating factors such as fines, juvenile record, probations, suspended sentences, reprimands, and the seriousness or frequency of the offenses.

GUIDELINE RATING: ____________________ BOARD RATING: ____________________

For a Board rating OUTSIDE guidelines, please state reasons: ____________

II. To determine TIME TO BE SERVED BEFORE PAROLE, locate the offender on the grid, according to the Maximum Sentence and Prior Criminal Record Rating.

| Maximum Sentence | Prior Criminal Record | | | |
|---|---|---|---|---|
| | None | Minor | Moderate | Serious |
| 3 years or less | 6-9 mos. | 10-12 mos. | 13-15 mos. | 16-18 mos. |
| More than 3, but no more than 5 years | 12-16 mos. | 17-21 mos. | 22-25 mos. | 26-30 mos. |
| More than 5, but no more than 7 years | 18-24 mos. | 25-30 mos. | 31-36 mos. | 37-42 mos. |
| More than 7, but no more than 12 years | 24-32 mos. | 31-40 mos. | 41-48 mos. | 49-54 mos. |
| More than 12 years | 36-60 mos. | 61-84 mos. | 85-115 mos. | 116-144 mos. |

TIME TO BE SERVED (from grid): ____________ months

Actual Time Served to Date : ____________ months

67%

DECISION RULE 1:

If sufficient time has not been served, DENY PAROLE.

If TIME TO BE SERVED and Actual Time Served to Date are similar (operationally define "similar"), please complete the following "Decision Expectancy" to determine if the inmate meets the parole criteria.

*Figure 9.1: Tentative Guidelines*

## III. DECISION EXPECTANCY (to be completed for inmates who are deemed to have served sufficient time)

SCORE

A. Add:

1. Quality of Parole Plan: ________

| | | | | |
|---|---|---|---|---|
| very poor | poor | adequate | good | very good |
| 10 | 20 | 30 | 40 | 50 |

2. Program Participation: ________

| | | | | |
|---|---|---|---|---|
| very poor | poor | adequate | good | very good |
| 10 | 20 | 30 | 40 | 50 |

3. Parole Prognosis: ________

0 10 20 30 40 50 60 70 80 90 100

+ ________

Add A 1 through A 3: TOTAL A = ☐

B. Subtract:

Seriousness of the Offense: TOTAL B = ☐

10 20 30 40 50 60 80 90

C. PAROLE SCORE: ☐ – ☐ = ☐

TOTAL A minus TOTAL B = PAROLE SCORE

| DECISION RULE 2: | | Parole Score | Decision Policy |
|---|---|---|---|
| | 1. | 50 or above | Grant parole* |
| | 2. | 29 - 49 | Board Review** |
| | 3. | 28 or below (including negative numbers) | Deny parole |

* Reasons to be given for departures
** Reasons to be given in all cases

DECISION: Grant parole ______ Deny parole ______ Board Review ______

If the decision is to deny parole, please consult Figure 2 to determine the appropriate length of continuance.

Reasons for decision (if required by Decision Rule 2)

Favorable factors:
- ____Good response to programs
- ____Recent good conduct
- ____Family is supportive
- ____Crimes were not against person(s)
- ____Minor role in offense
- ____No weapon involved
- ____Continued treatment planned following release
- ____Other: ______________________

Unfavorable factors:
- ____Serious nature of the offense
- ____Seriousness of prior record
- ____Previous parole violations
- ____Previous probation violations
- ____Disciplinary problems while incarcerated
- ____Recent unfavorable psychological report
- ____Drug use or addiction
- ____No community support
- ____Needs to complete program(s)
- ____Negative staff evaluations
- ____Other: ______________________

Board Member: ______________________ Date: ______________________

*Figure 9.1: Tentative Guidelines (continued)*

Table 9.10

Decision Rule: Grant Parole/Rehear

| Parole Score | Percent of Cases | Percent Granted Parole | Decision Policy | Percent Expected Outside Guidelines* |
|---|---|---|---|---|
| A. 58 or over | 31 | 73 | Grant parole | 7.7 |
| B. 37 - 57 | 40 | 53 | Board Review** | 0 |
| C. 36 or less | 29 | 13 | Rehear | 3.8 |
| | | | | 11.5 |

* Reasons to be given for departures

** Board Review and decision, with reasons given

Decision Rationale:

| | |
|---|---|
| 48.5 | Percent of decisions made consistent with general policy |
| 11.5 | Percent of decisions made outside guidelines, with reasons given |
| 40.0 | Percent of decisions made by Board Review, with reasons given |
| 100.0 | |

association between scores and granting of parole is modest, there is a substantial middle group (40 percent of the cases) where little guidance is given by the guidelines.

Time ranges within which the continuance for persons denied parole may be set were developed from frequency distributions of the length of time continued for cases in each offense category. Groups with similar means, medians, and standard deviations, were combined to form the six categories shown in the guidelines (Figure 9.2). The median time continued is given in addition to the range as a reference point for locating particular cases within the ranges. The offense classes shown in Figure 9.2 give a general indication of the offenses included in each category. A specific listing of offenses is included as part of the guidelines and is shown in Figure 9.3.

## Review with the Board

The tentative guideline model, as well as the results from the preliminary analyses, were presented to the Board and discussed. The guideline strategies were explained, and the need for further refinement and testing of the models was stressed. It was emphasized that objective classifications of the subjective variables contained in the guidelines should be developed from further study of Board practices. These operational definitions then could be substituted for the subjective judgments required in the present tentative guideline model.

In addition, further study of the "Serve Max" decision group (inmates who must serve their maximum sentence, less commutation time, without further parole consideration) is necessary to determine under what circumstances this continuance is deemed appropriate by the Board. The sample of cases in the study receiving this decision was too small (45) tc permit any full analysis.

Further, it was explained to the Board that before implementation, any guideline model must first be validated on a recent sample of cases and tested on a pilot basis in the actual decision-making process. The model may thus be adjusted to more accurately reflect Board policy and practices.

## Further Directions Toward an Operational Guideline System in New Jersey

Since time constraints of the "Classification for

Commitment Offense: ______________________________________

*Locate the inmate by his commitment offense, to determine the appropriate continuance length. In the case of multiple offenses, locate the inmate by the most serious offense.*

| Offense Class | | Continuance Range* | Median Time Continued |
|---|---|---|---|
| No. | Offenses Included | | |
| I | Murder, Manslaughter | 9 to 15 months | 12 months |
| II | Robbery, Burglary | 8 to 12 months | 10 months |
| III | Assault, Kidnapping Sex offenses, Weapons violations, Arson | 6 to 12 months | 10 months |
| IV | Drug offenses | 6 to 12 months | 9 months |
| V | Larceny, Fraud, Check offenses, Embezzlement, Receiving stolen property | 3 to 12 months | 8 months |
| VI | Other offenses | 3 to 12 months | 7 months |

* Reasons to be given for departures

Length of continuance: _____ months Date of next hearing: _________

*It should be noted that Serve Max is considered a continuance outside the guidelines, for which reasons must be given.*

Reasons for decision (if guidelines were not followed):

Favorable factors:

___ Minor role in offense
___ No weapon involved
___ Max-out date near
___ Other: ______________

______________________

______________________

______________________

Unfavorable factors:

___ Needs to complete program(s)
___ Serious nature of the offense
___ Recent unfavorable psychological report
___ Lack of community support
___ Negative staff evaluations
___ Disciplinary problems
___ Other: ______________________

______________________________

Board Member: ___________________________ Date: ____________________

*Figure 9.2: Expected Length of Continuance (for inmates denied parole)*

| No. | Offenses Included |
|---|---|
| I | Murder, unspecified |
| | Murder, 1st |
| | Murder, 2nd |
| | Vehicular homicide |
| | Manslaughter, voluntary/involuntary |
| | Homicide of law enforcement officer |
| | Child abuse (death incurred) |
| II | Robbery, armed/unarmed |
| | Burglary, breaking and entering |
| III | Atrocious assault and battery |
| | Assault of law enforcement officer |
| | Attempt or assault to rob |
| | Attempt or assault to murder |
| | Attempt or assault to rape |
| | Child abuse (no death) |
| | Rape, forcible |
| | Other sex offenses |
| | Arson |
| | Kidnapping |
| | Weapons violations, discharge of firearms |
| IV | Drug offenses (distribution, possession) |
| V | Grand larceny, theft |
| | Fraud |
| | Embezzlement |
| | Petty larceny, theft |
| | Receiving stolen property |
| | Auto theft, joyriding |
| | Forgery, check offenses |
| | Credit card theft or fraud |
| VI | Other offenses, including: |
| | Gambling |
| | Driving offenses, hit and run |
| | Alcohol violations |
| | Malicious destruction of property |
| | Non-support |
| | Prostitution, pandering |
| | Loitering, trespassing |
| | Disturbing the peace, disorderly conduct |
| | Resisting arrest |
| | Contributing to the delinquency of a minor |
| | Distribution of pornography |
| | Bigamy |
| | Habitual offender |

*Figure 9.3: Offense Classes*

Parole Decision Policy" project have precluded the testing and further development of the tentative guideline model, the Chairman of the New Jersey State Parole Board has submitted a request to the state planning agency for funding to continue work on the guidelines, with a view toward implementation. Additional work on the New Jersey guidelines would follow the procedures developed and employed in the other states, namely, validation on a recent sample of cases, further reviews with the Board, development of operational definitions where required, implementation of the guidelines on a pilot basis, collection of additional data to monitor how accurately Board practices are reflected, and adjustment and refinement of the model.

While the guidelines at present are tentative, they do provide a starting point for further development and eventual implementation of a policy control system.

## Chapter 10

# GUIDELINES FOR GUIDELINE DEVELOPMENT

Don M. Gottfredson and Leslie T. Wilkins

Can the steps to be followed in developing guidelines for parole decision-making be recommended or prescribed? The decision problem itself varies among paroling jurisdictions and they have differing resources available to assist in such development. Alternative methods for developing guidelines have not been compared systematically. Nevertheless, a sequence of activities is at least implicitly suggested by the studies done so far. This sequence can be listed, and some alternative, possibly helpful routes may be identified at each step. Such a listing and discussion may be useful to others who seek to develop similar tools.

## Goals

The general goal is to develop clear, explicit rules for structuring discretion without eliminating it. This general goal contains within it three related purposes:

1. Aid decision-makers in reaching equitable individual case decisions,
2. Provide a definition of general policy that gives a framework within which individual decisions are made,
3. Provide a basis for an evolutionary process of systematic review and change of decision policy.

We have assumed arbitrarily that a guidelines model allows for sufficient discretion without imposing undue constraints on decisions (while contributing to the evolution of new policy) when about 80 percent of decisions fall within the policy model. Some models (of the kind we have called matrix models) allow for further discretion *within* the model.

## Sequence of Steps in Guideline Development

A general model for action research was noted in the Preface to this report. That model includes the following steps:

1. Analysis
2. Fact-finding
3. Conceptualization
4. Planning
5. Execution
6. More fact-finding
7. Evaluation
8. Repetition of this circle of activities, indeed, a spiral of such circles."[1]

Each of these steps and the need for repetition of the "circles" may be discussed further.

## Analysis of the Decision Problem

Any decision has three main components: an objective (or objectives), alternatives, and information. In a rational decision, that alternative will be chosen that, in the light of the information available, maximizes the likelihood that the objective will be attained. Each component should be assessed.

### Objectives

The objectives of parole decisions are not readily defined, may differ over jurisdictions (or among decision-makers in a given jurisdiction), and may be conflicting. Research is needed that can help clarify objectives and define how these are to be measured; this can set the stage for an assessment of the rationality of decisions (and of decision models). The studies reported here had the more limited objective of defining presumed implicit policies without regard to an assessment of rationality or effectiveness of these policies.

### Alternatives

The alternatives available to the decision-maker may be defined, sometimes quite readily, from observation of hearings or from discussion with the decision-makers themselves. These alternatives differ among jurisdictions.

A first issue to be decided is "what are the decision alternatives?" In one jurisdiction, these may include, for example, the choices "parole, continue for rehearing after 6 months, or continue for rehearing after 12 months." In another, the alternatives may be "parole, deny, or continue (to some specified time)." In yet a different paroling jurisdiction, the decision may call for setting the minimum sentence; or it may call for setting a date for a new hearing, which decision may amount to a presumptive parole date, subject to later revision. To other parole boards, it may be clear that nearly all offenders will, at some time, leave prison under parole supervision; the question is *when*. The decision problem in this case may more usefully be regarded as one of deciding how long the term of incarceration is to be, or (from a somewhat different perspective) of establishing the point in time at which the offender is to be paroled.

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[1] Sanford, N., *op.cit.*, 1970.

Decision outcomes (alternatives) we sought to model in this study included the following:

1. parole *vs.* continue
2. parole *vs.* continue 6 months *vs.* continue 12 months
3. length of continuance
4. minimum sentence setting
5. time to be served

## Information Resources

The data resources which may provide information (i.e., data elements that reduce uncertainty in the decisions) vary among paroling jurisdictions from agencies with essentially no systematic statistical record-keeping to those with sophisticated statistical systems. Most boards have one resource in common: nearly all contributed (or have contributed) data to the Uniform Parole Reports program. All have case records on individual offenders; but these vary substantially in content. Although an orderly process for development of guidelines could proceed from an adequate data base, allowing an empirical assessment of relations of objective offender data to decision outcomes, such a data base is not available in most jurisdictions. As a result, it is necessary to assess, in any jurisdiction, the available data, clerical and statistical assistance, and related resources as a preliminary to planning to develop guidelines. Such an assessment should help in decisions concerning the alternative methods discussed below.

## Fact Finding

The "fact-finding" aim which identifies the next step in the sequence of tasks for guideline development refers to determining the relations of data elements to the decision outcomes. As outlined below, two general strategies for identifying such relations have been tried. One is more strictly (or blindly) empirical, relating offender characteristics to decision outcomes. The other begins with subjective assessments by the decision-makers and assesses the relation of these judgments to the decision outcomes.

## Developing a Data Base

If an adequate information base in unavailable and if resources permit its development, there is now a considerable body of experience to guide that effort. The main specific advice that can be offered here is that the data system be developed in such a way that it can meet also the reporting requirements of national data systems involving parole. Any ongoing information system designed to serve the needs of paroling authorities should take account not only of policy development and assessment objectives, but should, at the same time, contribute to resolutions of other management problems and enable the board to participate in national systems of criminal justice statistics. A parole data prototype system is outlined below in order to indicate the elements minimally necessary at present to meet requirements of the national systems: the Uniform Parole Reports program, the Offender Based Transaction System, the Offender Based System of Correctional Information and Statistics, and the National Prisoner Statistics Program.[2] This prototype system must be augmented by the data elements desired for guideline development or monitoring in a specific jurisdiction.

### Parole Data Prototype

An information system incorporating all the data elements identified as essential or important and listed in the prototype would allow the board to satisfy the relevant reporting requirements of the UPR, OBSCIS and NPS data collection systems. These are minimum expectations for a serviceable parole data system, besides guideline needs. In the prototype the set of elements identified as essential is considered to form a basis allowing assessment of board decisions and parolee supervision experiences. Some agencies will be faced with difficulties in obtaining uniform and accurate reporting of parole performance (and perhaps other) data, particularly where the parole board exercises no direct control over field supervision functions. Without the essential set of elements proposed here, however, a board cannot expect to monitor its decision-making or parole program placements in terms of parolee outcome (time and nature of technical violations, new offenses, attendant board or other actions, etc.).

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[2] Neithercutt, M. G., W. H. Moseley, and E. A. Wenk, Uniform Parole Reports: A National Correctional Data System. Davis, California: NCCD Research Center, March 1975, Appendix A. and OBSCIS: Offender-Based State Corrections Information System Volume 1, The OBSCIS Approach. Sacramento: SEARCH Group, Inc., May 1975 and OBSCIS: Offender-Based State Corrections Information System Volume 3, OBSCIS Data Dictionary. SEARCH Group, Inc., May 1975.

Adapted from a model prepared for this project by staff of the NCCD Research Center under the supervision of Dr. M. G. Neithercutt.

All the OBSCIS "core" and a great many of the "recommended" elements in that system are included as essential elements. These may be relevant to parole information in three respects: first, where parole decisions are based on an inmate's institutional status or experience (custody level, disciplinary infractions, work assignment, etc.); second, where parole agency actions are scheduled (in a managerial sense) to coincide with timing of institutional functions and locations of inmates (e.g., location of inmate due for particular interviews or hearings); and third, where the parole agency contributes to and is serviced by a coherent, centralized data system.

In the first case, the determination to include or exclude particular elements hinges upon the degree that information is considered relevant to parole release or other parole authority decisions. For managerial support, information contemplated by such elements as "Status Action," "Status Location," and "Status Type," may suffice. A more management-oriented system would, however, include additional data to facilitate scheduling of agency activities (e.g., Date/Time for Initial Interview, Tickler Files (reminders) of cases due for hearing in x months--for assignment to staff members for workup, etc.). Such elements (and report feedback) could be tailored to the individual agency activity structure and organizational needs. This data system description is designed to assure that national data needs, to the the degree they are foreseeable, will be satisfied, through a vehicle meeting agency requirements in each topic area.

Superscripts are used to identify the inclusion of elements in the various national systems, as follows:

1. Element contained in UPR
2. Element contained in the Core Element Set of OBSCIS

3. Element contained in Recommended set of OBSCIS
4. Element contained in NPS
5. Element contained in OBTS
a. Ethnic group - OBSCIS uses CCH codes
b. Commitment offense - OBSCIS uses a two-part code as follows:
   The offense code indicates the major offense for which the offender was committed on the current sentence. The coding structure consists of two parts. (1) The first part is a code for the major offense, which will be specific to each state, depending on the particular state's statutes. (2) The second part of the offense code enables individual states to "translate" their own offense codes into a standardized code to allow for national comparability of offenses.
   UPR collects only the second part.
c. Date of Execution (Death) - This will supply NPS with the *fact* of execution
d. Number of prior parole releases - OBSCIS terms this element "Parole History"

## ESSENTIAL ELEMENTS

### 1. Offender

Offender Name[2]

Commitment Name - the commitment name includes the last, first, and middle names of the offender as they appear on the commitment papers

Sex[1,2,4,5]

Unknown
Male
Female

Birth Date[1,2,5]

Month
Day
Year

Ethnic Group[1,2,5,a]

Caucasian
Negro
Latin American
American Indian
Chinese
Japanese
Other Oriental
Other
Unknown

Known Number of Prior Commitments to Adult Correctional Institutions (Reformatories or Prisons)[1] [2]

None
One
Two
Three
Four
Five
Six
Seven
Eight
Nine or More

Drug Use[1]

0 None or unknown
1 Any use

Alcohol Involvement[1]

0 None or unknown
1 Alcohol involvement

FBI Number[2]

Intelligence[2]

This elements provides for a code indicating the offender's inteligence category

Last School Grade Completed[2]

Tested Grade Level[2]

Grade level test given at initial diagnostic screening

Known Number of Prior Sentences Excluding Prison or Reformatory (including jail, camp, juvenile confinement, probation, fines, or suspended sentences)[1]

None
One
Two
Three
Four
Five
Six
Seven
Eight
Nine or More

Current Address[2]

The name of the state and county in which the offender lived at the time of his arrest will be recorded under this element. The state code is standardized and the county code will be specific to each state.

Physical and Other Disabilities[2]

This element serves as a flag to indicate where the offender's program or work activities must be restricted due to physiological and/or psychological disabilities.

Yes
No

## 2. Court

Commitment Offense[1] [2] [b]

County of Commitment[2]

Unique to each state

Effective Date of Sentence[1] [3]

Month
Day
Year

Sentence Minimum/Maximum[2,5]

This is a two-part element, specifying the cumulative sentence for the offender. It is coded in years/months/days. The two parts consist of the overall minimum and the overall maximum sentence (i.e., the largest minimum and maximum in the case of consecutive sentences). Life, death, and undetermined sentences will be specified as required by individual states

Type of Sentence[1,2]

- Simple[1,2]
- Multiple[1]
  - Concurrent[2]
  - Consecutive[2]

Sentence Modification[2]

Indicates whether or not the offender's sentence has been aggravated

- Yes
- No

## 3. Institutionalization

Date of Admission to Confinement[1,2,5]

- Month
- Day
- Year

Type of Admission[1]

- New Court Commitment
  - Not by revocation of probation
  - Probation revoked
- Parole Violator
  - Without new court commitment
  - With new court commitment
- Transfer in from Out of State
- Escapee Return under Old Sentence
- Return from Temporary Authorized Absence

Date of Execution[4,C]

- Month
- Day
- Year

Status Action[2,5]

This element records the reasons for the offender's latest status change

Status Date[2,5]

This date is the month, day, and year when any element of the offender's status changes. The date, in effect, indicates the termination of one status and the beginning of the next.

### Status Jurisdiction[2] [5]

This status element is an indication of the entity which has overall legal authority and responsibility for the offender

### Status Location[2] [5]

This refers to the actual physical location of the offender. The coding of this element will be specific to each state. It is suggested that names of locations such as institutions, parole offices, work release centers, halfway houses, diagnoostic and classification centers, federal and out-of-state institutions, hospitals, etc., be included in the coding structure

### Status Type[2] [5]

The status type refers to the offender's specific standing within the jurisdiction. It provides a general structure for coding such things as admission, institutional, release, discharge, and special status.

### Minimum Eligible Parole Date[2]

This is the date on which the offender was first eligible for parole, considering the date of custody or admission, the sentence, time, credit deductions, and other factors, determined at time of admission or as first set by parole board action. Code in month/day/year.

## 4. Parole

### Date of Release to Parole[1]

Month
Day
Year

### Paroling Agency[1] [4]

### Parole Receiving Agency[1]

### OBTS Identification Number[2] [5]

This number will be assigned to offender by Offender-Based Transaction System Note: this element is for future use

### State Corrections Identification Number[1] [2] [5]

The state corrections identification number is that which is assigned to the offender by the State Dept. or Division of Corrections or by the correctional institution to which the offender is assigned. States may, under certain circumstances, have the need to assign more than one number. In those cases, the requirement is all numbers in chronological order of assignment.

### Parole Performance[1]

Continued on Parole

| | |
|---|---|
| Continued- on parole | no difficulty or sentence(s) less than 60 days |
| Continued- on parole | with new minor conviction(s) |
| Continued- on parole | with new major conviction(s) |

Absconder

Absconder- by official action or whereabouts unknown for more than two months

Date of Difficulty[1]

Month
Day
Year

New Offense[1]

Same codes as "Commitment Offense"

Months Under Active Parole Supervision[1]

Months since current parole release person has been under active supervision

Returned to Prison

| | |
|---|---|
| Returned to prison, technical violation- | no new conviction(s) and not in lieu of prosecution |
| Returned to prison, technical violation- | new minor or lesser conviction(s) or in lieu of prosecution on new minor or lesser offense(s) |
| Returned to prison, technical violation- | in lieu of prosecution on new major offense(s) |
| Returned to prison, no violation - | prison return does not reflect on performance (see examples) |
| Recommitted to prison, new major conviction(s) | same jurisdiction |
| Recommitted to prison, new major conviction(s) | any other jurisdiction |
| Other returns to prison - | when using this code, an explanation is to be written |

## 5. Discharge

Date of Discharge or Death[1]

Month
Day
Year

Death[1]

Alive
Died-not result of criminal act
Died-result of criminal act

## IMPORTANT ELEMENTS

### 1. Offender

**Alias**[3]

Indicates prior use of an alias

**Birthplace**[3]

NCIC standardized state/country codes

**Financial Source**[3]

Source of income at time of arrest

**Employment**[3]

This is a five-part code (1) Job Classification denotes the job which the offender perceives as being his most usual occupation. It is coded by the two-digit occupational divisions code outlined in the Dictionary of Occupational Titles. (2) Employment Status at Time of Arrest is a general code indicating whether the offender was employed full-time, part-time, etc. at the time of his arrest. (3) Skill Level indicates the level of skill used by the offender in his most usual occupation. (4) Pay Rate is the highest gross income attained in a one-week period in any job(s), coded in dollars. (5) Length of Employment is the longest period of continuous employment of any type coded in months.

**Cultural Identification**[3]

Whether or not the offender identifies with any particular affinity group

**Offender IQ**[3]

**Legal Name**[3]

The legal name includes the last, first, and middle names as used by the offender for legal transactions. (For various reasons, this may differ from the commitment name.)

**Marital Status**[3]

At time of arrest

**Number of Dependents**[3]

Number claimed on most recent tax return

**Religious preference**[3]

Denomination or sect

**Probation History**[3]

This two-part element includes the number of previous felony probations which the offender has served, and the number of previous misdemeanor probations.

## 2. Institutionalization

### Detainer/Warrant[3]

The detainer/warrant element is a three-part code. (1) The first part indicates the number of detainers or warrants currently out on an offender. (2) The second provides for a general code indicating the type of warrant or detainer. (3) The third part indicates that the agency has been notified of the offender's location.

### Infraction Disposition[3]

This is a two-part element. (1) Infraction Actions indicates the total number of times that an offender was officially disciplined during his last period of incarceration. (2) Action Date indicates the date that the most recent disciplinary infraction was taken.

### Institution Security Level[3]

The required security level of the offender--maximum, medium, and minimum --while he was incarcerated or on a partial-release program is indicated by this element.

### Programs Prescribed[3]

The programs prescribed refer to those programs

### Infractions[3]

This is a three-part code. (1) Infraction Type is the code which specifies the category of the most recent infraction or incidents. These include escape, fighting, etc. (2) Number of Incidents indicates the total occurrence of disciplinary infractions (i.e., tickets issued) during the offender's incarceration. (3) Infraction Date is the month, day, and year that the most recent incident, infraction, or escape occurred while the offender was incarcerated or in a partial-release program

### Medical Exam[3]

The most recent date that the offender had a medical exam while under the jurisdiction of the corrections authority.

### Program Assignment[3]

Program assignment is a four-part element which indicates (1) the general program type to which the offender was assigned, such as work, educational, vocational, counseling, and other; (2) the specific program to which the offender was assigned (this coding structure will be unique to each state); (3) the date the offender entered the program; and recommended for the offender by the reception/classification team or by institutional personnel. It is a three-part element, coded for each program that is prescribed: (1) program category, which includes educational, vocational work assignment, counseling, or other; (2) specific programs recommended for the offender by the reception/classification team or by institutional personnel (this coding structure will be specific to each state and will vary across institutions); and (3) the priority of the program as it relates to the specific offender.

(4) the date the offender left the program

## 3. Parole

Next Eligible Parole Date[3]

Month, day, year that the offender is next scheduled to appear before the parole board

Parole Address/Habitation[3]

This is the present location of the offender while on parole. It has two parts: (1) State, using the standardized state, country code developed by NCIC; and (2) County, which will be specific to each state

Parole Board Decisions[3]

Dispositions made by the parole board at its most recent hearing

Time Lost Due to Disciplinary Actions[3]

Number of days which the offender lost against his current sentence due to official disciplinary actions (resulting from parole violations, bond escapes, etc.)

Parole Special Conditions[3]

Any special conditions which the parole board imposes on the parolee

Parole Supervision Level[3]

The required supervisory level of the parolee, as determined in his parole plan.

Parole Financial Status[3]

Primary source of income of the offender while he is on parole

Parole Income[3]

Average monthly income in dollars of the offender while on parole or other supervised release

Parole Performance[3]

Supervision officer's assessment

Infractions*

Infractions Dispositions*

Programs Prescribed*

Program Assignment*

Parole Employment/Employer[3]

A two-part element indicating: (1) present employment status of parolee (full-time, part-time, etc.); and (2) general classification of the job in which he is employed, using the two-digit code outlined in the Dictionary of Occupational Titles.

Time Served with Other Agencies[3] [5]

This is a two-part code at the OBSCIS recommended level: (1) a code for each agency, institution, etc. granting time credit and (2) the total time credit for each, coded in days.

Number of Prior Parole Releases[3] [d]

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* These items are corollaries of their counterparts in the "Institutionalization" codes. Their definitions will differ from jurisdiction to jurisdiction.

## 4. Discharge

Type of Discharge

Expiration of Sentence
Death
Early

| Offender | Court | Institutionalization | Parole | Discharge |
|---|---|---|---|---|
| ESSENTIAL | | | | |
| Name [2] | Commitment Offense [1,2] | Date of Admission to Confinement [1,2,5] | Date of Release to Parole [1] | Date of Discharge or Death [1] |
| Date of Birth [1,2,5] | Effective Date of Sentence [1,3] | Type of Admission [1] | Paroling Agency [1,4] | Death [1] |
| Ethnic Group [1,2,5] | | | Parole Receiving Agency [1] | |
| Sex [1,2,4,5] | Type of Sentence [1,2]<br>Concurrent [2]<br>Consecutive [2] | add: transfer from out of state [4]<br>escapee return under old sentence [4]<br>return from temporary authorized absence [4] | State Corrections Identification Number [1,2,5] | |
| Number of Prior Prison Commitments (Adult) [1,2] | County (Court) of Commitment [3] | | OBTS Identification Number [2,5] | |
| Number of Prior Prison Sentences (except Prior Prison Commitments) [1] | Sentence Minimum/Maximum [2,5] | Date of Execution [4] | Parole Performance [1] | |
| Drug Use [1] | Sentence Modification [2] | Status Action [2,5] | Date of Difficulty [1] | |
| Alcohol Involvement [1] | | Status Date [2,5] | New Offense [1] | |
| Current Address [2] | | Status Jurisdiction [2,5] | Months Under Active Parole Supervision [1] | |
| FBI Number [2] | | Status Type [2,5] | | |
| Intelligence [2] | | Minimum Eligible Parole Date [2] | | |
| Last School Grade Completed [2] | | | | |
| Physical and Other Disabilities [2] | | | | |
| Tested Grade Level [2] | | | | |
| IMPORTANT | | | | |
| Alias [3] | | Detainer/Warrant [3] | Next Eligible Parole Date [3] | Type of Discharge |
| Birthplace [3] | | Infractions [3] | Parole Address/Habitation [3] | |
| Cultural Identification [3] | | Infraction Disposition [3] | Parole Board Decisions [3] | |
| Financial Source [3] | | Institutional Security Level [3] | Parole Special Conditions [3] | |
| Employment [3] | | Date of Medical Exam [3] | Parole Supervision Level [3] | |
| IQ [3] | | Programs Prescribed [3] | Infractions | |
| Legal Name [3] | | Program Assignment [3] | Infractions Dispositions | |
| Marital Status [3] | | | Programs Prescribed | |
| Number of Dependents [3] | | | Program Assignment | |
| Religious Preference [3] | | | Parole Financial Status [3] | |
| Probation History [3] | | | Time Lost per Disciplinary Action [3] | |
| | | | Parole Employment/Employer [3] | |
| | | | Time Served with Other Agencies [3,5] | |
| | | | Number of Prior Parole Releases [3] | |
| | | | Parole Income [3] | |
| | | | Parole Performance (Officer Assessment) [3] | |

| *Able to supply data to: | UPR | OBSCIS | NPS | OBTS |
|---|---|---|---|---|
| | 1 | 2 Core<br>3 Recommended | 4 | 5 |

*Figure 10.1: Prototype Parole Data System:*
*Core Information for National Reporting Programs*

## Additional Data Needs

Besides including the data elements necessary to support the national correctional data programs, items with hypothesized relations to the decision outcomes (i.e., alternatives) should be included, as well as items with hypothesized relations to the longer range outcomes (objectives) of the decisions.[3]

The latter are necessary for at least two general purposes. First, measures thought to be related to classifications such as "success" or "failure" in a recidivism criterion are needed for the development of empirical measures of "parole prognosis" or "risk." Second, such items will be necessary to the longer range evaluations of paroling decision policy, i.e., to assessments later as to how well the guidelines model is serving the purposes of the board.

Prior evaluation of studies of correctional treatment programs and previous studies of the parole prediction problem will provide guidance in the selection of items to be included. Much data has been repeatedly assessed for its relation either to decision outcomes (alternative choices) or to decision objectives (such as recidivism measures). Items repeatedly found to have low or nonexistent relations to these measures should be omitted on cost-effectiveness grounds; items found useful in earlier studies should be included.[4]

The next two steps, after selection of items to be included in the data collection system, often are ignored in correctional agency research; but they should be included. These steps address the issues of the definitions of items and the reliability of extraction of the data from case records.

Adequate definitions of concepts--even of commonly used terms such as arrest, conviction or offense classifications--and adequate instructions to persons coding information from case files are essential. Such definition is even more important when quite ambiguous concepts such as "alcohol abuse" are hypothesized to be important.

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[3] See, for example, Supplementary Reports One and Two, Gottfredson, Wilkins, Hoffman and Singer, *op.cit.*, 1973, for examples of many such items, definitions, and coding instructions.

[4] See Appendix A and the prior studies cited therein.

Such definitions can improve the reliability of extracting the data from case files and transforming it for use in analyses; but the issue of reliability is one that can be assessed only by a study designed for this purpose.[5] Such study should be done, at least for periodic samples; and procedures for such repeated reliability testing should be built into any ongoing correctional data system.

## Identifying Information

Data is not necessarily information. Information is that data that reduces uncertainty in the decision. Data elements unrelated to the decision alternatives (specified in the analysis of the decision problem) thus provide no information useful for development of guidelines. From the data available, therefore, a search must begin for those data elements that, singly or in combination with other data elements, are related to decisions--i.e., provide information.

A general screening of candidate items, to assess the degree of relation to the decision alternatives, is next in order. For each such candidate, there is a hypothesis to be tested. Each item examined has been thought (e.g., by research worker, parole board member, or other person) to be related to the decision. The particular statistical tests used depend upon characteristics of the data elements (including the decision alternatives) and particularly on the level of measurement that describes the particular item. It is possible that useful information may be lost if data elements found unrelated to decisions are discarded at this stage (since some items --suppressor variables--may have an effect only in interaction with other items), so some caution in doing so is well-advised. If a plausible case for retention can be made, items may be retained. But, if a very large set of data elements is on hand in the data base, some screening out may be required. Guidance to eliminating items may be given by knowledge of item relations to the decision criteria, their intercorrelations and their reliabilities.

There is experience with two general approaches to summarizing the relations found and assessing their utility for guideline development. These are linear and non-linear (classification) models. Combinations of the two approaches are quite possible and may be desirable.

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[5] For examples, see Neithercutt, Mosely, and Wenk, *op.cit.*, 1975, and Gottfredson, Wilkins, Hoffman and Singer, Supplementary Report 12 , *op.cit.*, 1973.

## Linear Models

First, a linear model, based on evidence of relations in a sample of offenders may be applied. Most commonly, the method used is that called multiple linear regression. This model assumes that a linear equation may be found that best fits the observed data in relation to the decision alternatives. The criterion of "best fit" is that the sum of the squared deviations (errors) about a straight line is minimized. The method has a number of advantages, including the simplicity of a linear equation. Among these is that account is taken of the "overlap" (intercorrelation) among the items included and that each item is given an appropriate weighting. Further, one can determine which items are the best predictors of the decision outcomes and can also tell how closely the model "fits" the observed sample of decisions. In fact, the method shows how much of the variation in decisions may be accounted for by the items included in the model.

A related linear model could be used instead when the decision outcome is a classification such as "paroled *vs.* continued." This method, called a linear discriminant function, is designed to provide an equation such that the difference between the mean scores for the two groups (calculated from the equation), in relation to their pooled standard deviations, is maximized. That is, the two groups are to be separated as much as possible by differing scores. The method may be used also when there are more than two classifications, such as "paroled-continued-denied." We have used multiple regression instead of the discriminant function when two groups (paroled-continued) were defined by the decision; it can be shown that the results should be the same.

## Classification Models

In this project we found a method of case-classification particularly useful in modelling a decision with classification outcomes. That is, when the decision alternatives were "parole *vs.* continue" or "parole *vs.* continue six months *vs.* continue 12 months" a case-classification method "worked" in the sense that it fit the actual decisions well in new samples. A variety of closely related classification methods are available:

The method most closely paralleling that used in the present study is the method of configuration analysis described by Glaser.[6] The main feature of this procedure is the assumption that, after a sample of decisions has been divided into groups (differing in decision outcomes) on one variable or attribute, the best item for further differentiation within the resulting categories to identify contrasting groups might be different for the classifications resulting from the first division. Similarly, after further division of the subsamples on items found to discriminate the decision outcome groups within those subsamples, other items might be found to separate those groups. The result is a series of sortings to define a process of hierarchical subdivision, as in a tree diagram. The diagram may be regarded as a flow chart describing a sequential decision model as if the decisions were made in this way.

A closely related method is that called "predictive attribute analysis."[7] The aim and the assumptions are similar. Many other methods of classification are available and could be tried in attempts to model decisions.[8]

Similarly, a *combination* of classification methods and regression techniques may be found appropriate and useful. In particular, the relations of data items to decision choices (and among the data items themselves) may not be the same for various subgroups of offenders. If not, separate regression equations for the subgroups may be determined; and whether or not a closer "fit" with decisions is thereby obtained may be tested.

## Conceptualization

We have explored only two types of models, which we have called "matrix" models and "sequential" models. Other types remain to be invented, and certainly a combination of "matrix" and "sequential" models may be readily conceived. The analyses considered above, whether linear or non-linear methods were used, were perceived only as providing general guidance for the conceptualization process, in concert with the board.

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[6] Glaser, D., Routinizing Evaluation: Getting Feedback on Effectiveness of Crime and Delinquency Programs, Washington, D.C.: U.S. Government Printing Office, DHEW Publication No. (HSM) 73-9123, 1973, 145-153.

[7] See Wilkins, L. T. and MacNaughton-Smith, P., "New Prediction and Classification Methods in Criminology," Journal of Research in Crime and Delinquency, 1, January 1964, 19-32.

[8] See Cormack, R. M., "A Review of Classification," Journal of the Royal Statistical Society, 3, 1971, 321-367.

The models are based implicitly on several assumptions:

1. A small number of concepts may be identified as reflecting quite important concerns to the decision-makers.
2. These concepts tap different concerns, so that each "accounts for" a unique portion of the variation in decision choices.
3. Suitable indicants of these concepts may be operationally defined.
4. Measures of these concepts may be arranged in a matrix or grid which models or "maps" the decisions with sufficient accuracy to be useful.

We have used multiple linear regression as the tool for identifying the concepts or dimensions that appear to be of salient concern to the decision-makers. After identifying the measures that help "account for" the decisions, we have sought to develop a matrix model using presumed indicants of these dimensions. The results of the regression analysis have provided guidance, but the models devised do not represent a direct application of these results. The models are inventions, and their testing, as explained below, is essential to determining how well they fit actual decisions.

## Sequential Models

These models are based on the tree diagram resulting from classification analyses as described above. The diagram has been regarded as a flow chart, *as if* the decisions were made in a sequential process. As in the case of inventing matrix models, the initial models have been devised partly from the statistical results and partly from discussion of these with the paroling authorities.

## Combination Models

There is no reason that the concepts underlying the invention of matrix and sequential models may not both be used in devising a policy model. Indeed, the California

Youth Authority "matrix" model includes a "sequential" model within it, for classification of wards according to risk. Alternatively, it is quite easy to conceive of a model that proceeds sequentially, then includes a matrix component.

The point to be emphasized is that no one method or structure of guideline development can be recommended over others. The model or models developed from the analysis and fact-finding stages (whether from the statistical analyses or from advice by the board) must be applied to new samples to determine how well they fit for new decisions. This is, therefore, the next step.

## Execution

Even if the model developed were to represent a direct application of a statistical model (without revision from board discussion) it would be necessary to conduct a new study for assessment of its validity. This is all the more important if the statistical results have served mainly to provide general guidance in the model conceptualization process. If it is desired that this process of conceptualization not affect actual decisions (until the board is ready to adopt it) then the model must be assessed independently of the decisions. That is, a new sample of decisions must be taken, without use of the model by the decision-makers. The model may then be assessed as to how well it fits this new sample. The numbers and percents of decisions "within" the guidelines and "outside" them may be identified. If the "fit" is inadequate, the process may give clues as to how the model should be modified to give a better reflection or description of present policy. If not, more "fact-finding" is required.

## More Fact-Finding

If the model is found inadequate, further discussion with the paroling authority may yield additional hypotheses for testing and inclusion in the model. This process may be aided by an analysis of where the model fits and where it fails--that is, it may be discovered that specific categories of offenders are decided quite differently from that depicted from the model. Hypotheses about decisions for those particular groups may be defined and added to the model conceptualization. Thus, further evaluation is needed.

## Evaluation

The first stage of model evaluation must, as already indicated, be limited to an assessment of how well the model describes the decision. If the model has been revised after first assessment, a second study is in order to ascertain whether or not the degree of fit has been improved. Thus, the development of the model itself includes the assessment and re-assessment that forms the policy control method as a gradual evolutionary process.

A second stage of evaluation should address the question as to whether or not the model, now demonstrably fitting decisions with the desired degree of accuracy (say, eighty percent), is a model the board wishes to adopt. If the model, as a description of heretofore implicit policy, is found inadequate for meeting the objectives of the board, the paroling authorities themselves may wish to modify the model to define the decision process as they perceive to be necessary. It must be remembered that the guidelines were developed principally as a means for making the policy of the board more explicit--partly for the purpose of enabling just such modification.

Policy making, revision, and maintenance is a dynamic process geared to the social and political climate and institutions of a community. That is why parole boards are necessary. Guidelines do not change this necessity for the exercise of continuing human vigilance in the process of parole and related fields. The guidelines devices begin from research operations but convert to continue as management tools for policy control. Perhaps an analogy may make this interaction between reseach and management clear.

Research and development may design a product--like guidelines or an aircraft, say, the 747. The 747 flies, but it needs modification in accord with feedback (information) to ensure that it accomodates changes in the market and to eradicate operational faults. This process of modification and quality control of the product is not the direct function of the research and design team. The design team return, as it were, to their drawing boards to design the next generation of machines. They will question and challenge their thinking and planning in their earlier work until they have a replacement product for the consideration of the airline management. This division of labor is functional and ensures that research does not interrupt the operations of the existing machinery. This analogy, like all analogies, may break down if pressed too hard; but it indicates that at some point research must deliver a product of value to the user, while never assuming that it has made the ideal product. The analogy holds, too, to the extent that the 747's in service cannot be grounded while the research teams use them for their interests. Nonetheless, operational data from the market and engineering concerns will be fed to the research teams so that they keep their thinking and planning at a realistic level. The aircraft design team will probably have some idea of the nature of the next generation of machines before the current machines are outdated and some of their ideas may be wrong. Not until a body of knowledge has been assembled and the new theories tested (e.g., with tunnels, or other simulations) will they be ready to discuss the "new generation" of aircraft.

This is very like our present position. We have ideas as to development of guidelines both as "modifications" to the existing models and we have some vague ideas as to different models. On some of these, we can use simulation methods to test their likely value and utility. But these ideas do not interfere with the utility of the present product as a management tool; nor does this imply that there is not a continuing liaison between modification (evolution) through management feedback and the consideration of a new and different generation of guidelines models at some future date. This relation of research and management functions is illustrated in Figure 10.2.

We will note some of the possibilities we have in mind either as possible modifications of the current models or as components of some "new generation" of policy control methods at a later date. It should be noted that the management functions are essential as an integral part of any policy control system, including the monitoring and revision functions with respect to the existing models. On the other hand, the research functions may result in "products" (new models) with greater generality; hence the source of new conceptualization may arise in any jurisdiction, potentially benefitting others.

The research element might now move to address a larger, more fundamental issue. While the management function is concerned as to whether the guidelines model adopted and used assists in achieving the specific objectives of the board, this stage should address the general question of *effectiveness* of the model in respect to board (or other criminal justice system) goals.

Does the revised model continue to fit samples of new decisions? Do deviations from the model, identified and reported back to the board, suggest either (a) desired

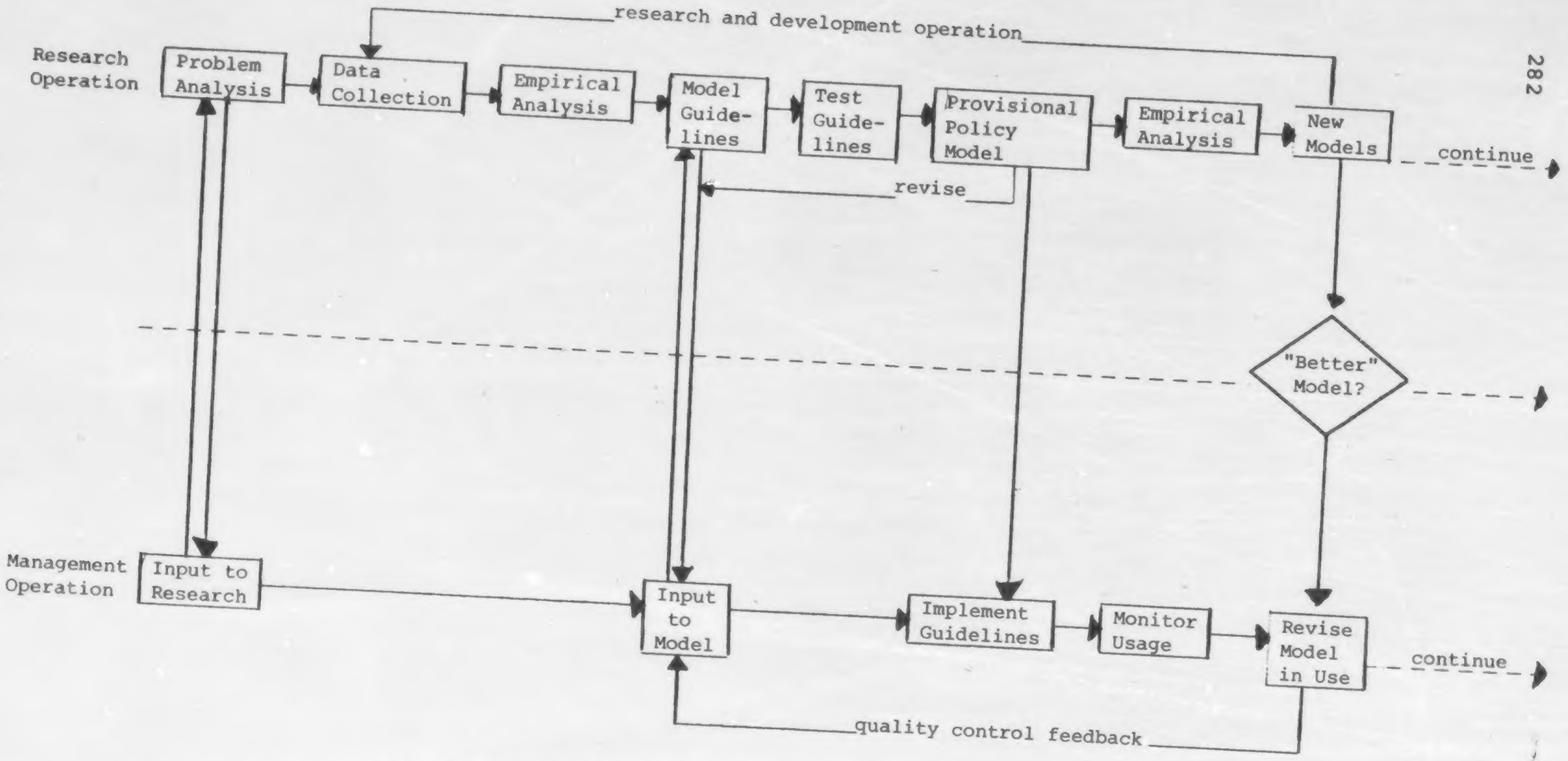
research and development operation
Research Operation
Problem Analysis
Data Collection
Empirical Analysis
Model Guide-lines
Test Guide-lines
Provisional Policy Model
Empirical Analysis
New Models
continue
revise
"Better" Model?
Management Operation
Input to Research
Input to Model
Implement Guidelines
Monitor Usage
Revise Model in Use
continue
quality control feedback

*Figure 10.2 : Collaboration in Research and Management Functions for Development and Operational Use of Guidelines Models*

modification in the model or (b) desired administrative action to bring decisions to a greater degree of consistency with policy? Should any aspects of the model be revised?

Fact-Finding

The collection and collation of the reasons given when departures are made from the guidelines model provides the basic statistical data for examination of the question of possible need for change in policy. If there are deviations from the model in practice that are not readily understandable and acceptable to the board, can hypotheses be defined as to the reasons? If so, can these hypotheses be tested, potentially to be incorporated in the model?

The research function might specifically concern: Is a model of a different form needed? Does the model in use allow an acceptable and desirable degree of discretion? Should the model be revised to correct either for too much flexibility in use or for an imposition of an undesirable rigidity?

Planning

Has an adequate system of feedback on use of the model, including information on cases decided outside the model, been developed? Are adequate reasons given for cases decided as exceptions? If the model has been revised in the conceptualization stage, how is it to be tested in order to determine the differences made in actual decision-making practice?

Execution

How can the revised model be implemented? Does the implementation include procedures for data collection relevant to later assessments of its utility?

More Fact-Finding

Does the new model fit within the limits established as desirable? Do deviations give further guidance to model revision?

Evaluation

Does use of the model meet short-range objectives such as equity requirements, consistency with the law governing parole and with the philosophy of the board?

Does the use of the model contribute to the effectiveness of parole decision-making? Has the effectiveness of the use of the guidelines decision model been tested, or has a system capable of providing information on effectiveness been installed?

## Research Needed for Guideline Improvement

The research now needed that can contribute to the improvement of guideline models for parole decision-making is of two general types: measurement development and evaluation. They are closely related, and attention will be focused here on some particular measurement development needs.

### Measurement Development

Generally, the concepts included in the guidelines models thus far developed are crudely defined and approximately measured. The concepts to be defined and measured vary with differing parole structures, as has been seen; but several issues deserve much more careful measurement work.

The "seriousness of the commitment offense" is a concept providing a good example. A simple ordering of classifications of seriousness on a single dimension may suffice for a beginning determination of a guidelines model, but more careful and thorough attention to the measurement and scaling problems associated with the concept is an obvious need. This should include investigation of the possible multidimensional nature of the concept "seriousness."

The measurement of risk of parole violation or new offenses needs improvement as well, despite the large investment of research time already devoted to this topic. Measures with improved validity still should be sought. The "criterion problem," i.e., the definition of favorable and unfavorable outcomes still needs much further attention. Results of this project show that valid measures of the concept "assaultive potential" would be perceived as very useful by parole decision-makers.

Measurements of the *extent* and *seriousness* of the prior criminal record of the offender is also in need of improvement. Similarly, measures of the *rate* of offending by *type* of offense would be of considerable potential utility in guideline development.

Measures of behavior in the institutions of confinement are needed as well. Two concepts seem quite important to parole decision-makers generally: program participation or progress and the nature and extent of disciplinary infractions. Better measures of these concepts would help improve present parole policy statements.

These and other concepts are in need not only of improved operational definition, but also of appropriate applications of scaling methods to define more useful measures. Such better measures can contribute greatly not only to guideline development but also to problems of guideline evaluation.

## Major Guides for Guideline Development

A few principles may be listed to summarize, from experience in this project, the main points to be considered in developing paroling guidelines in a new jurisdiction:

1. The limited purpose of the guideline model should be clear. That purpose is to develop explicit rules for paroling decisions, controlling discretion without eliminating it.

2. Procedures for guideline development will necnecessarily depend upon the objectives, resources and decision alternatives available in a given jurisdiction.

3. A variety of techniques have been explored for their possible utility in aiding the conceptualization of guidelines. These include various methods of data collection and analyses, all of which merely provide aids to the invention of guideline models.

4. Tentative guidelines developed (invented) should, at the start, closely parallel present decision practice.

5. Guidelines development, implementation, and revision should be regarded as an evolutionary system for policy control.

6. The implementation of a guidelines model should include the establishment of procedures for systematic, repeated review and revision of paroling policy according to results of evaluation studies.

# Chapter 11

# DIFFERENT FACES OF TRUTH?

Leslie T. Wilkins and Don M. Gottfredson

The models prepared for use in the various jurisdictions all differ; but they are of two general types. The basic forms of structure to be noted have been called the "matrix" and the "sequential" models. In the first (matrix) form, information is obtained about the parole applicant, scores may be calculated, and the person is classified according to two or more dimensions. The disposition expected for the case is determined by the classification procedures. This model is of the same form as that first derived as an explanation of the policy of the United States Parole Commission, in which a score for offender ("salient factor") was related to the category of seriousness of the offense and the two classifications together formed a matrix which indicated the time of expected detention in Federal institutions. The fact that the Salient Factor Scores are additive is another feature of this model which has important consequences (discussed below). The additive nature of Salient Factor Scores used is not, however, a logically distinguishing feature of the two general models discussed. (Elements of a branching network model could include such scores; similarly, non-additive classification rules could provide the basis for a matrix or grid-type model.) Similar models have been discussed in preceding chapters concerning the California Youth Authority Board, the New Jersey State Parole Board, and the Washington State Board of Prison Terms and Paroles. An analogous model has been developed and implemented for sentencing decisions in one court jurisdiction (Denver).[1]

The second form (a sequential or branching network) was first used as a description of the parole decision policy of the Board of Paroles of North Carolina. This may be pictured as a kind of steeplechase or "hurdling" for the parole applicant. He must pass along a path almost without difficulty--the path being the branching network of the decision process. Similar models have been discussed in regard to the parole decisions in Virginia, Louisiana, and Missouri.

It is possible to find other styles of description for decision processes.

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[1] Wilkins, L.T., Kress, J.T., Gottfredson, D.M., Calpin, J.C., and Gelman, A.M., Sentencing Guidelines and Structuring Judicial Discretion, Albany, New York: Criminal Justice Research Center, October, 1976.

## Finding the Ball Park *vs.* Predicting Hits

The two types of models, matrix *vs.* sequential, differ also in the degree of precision expected. The matrix models specify the general area within which decisions are expected to be taken. Stated differently, they indicate the *range* of alternative choices in which discretion may be exercised. No attempt is made to specify precisely the decision outcome. (These differences obtained in general, but, of course, it would be possible, as in the New Jersey model described, to provide a matrix model with specific decision rules.) The branching network models, on the other hand, seek to provide an aid to the specific choice: parole or not. Both models provide for the exercise of discretion (by permitting and indeed expecting deviation from the norm under unusual circumstances). In the first model, there are two ways in which provision for discretion has been made, and in the second there is only one. Thus, in the case of the matrix model, the decision-maker has alternatives *within* the bounds of the guidelines; in addition, he may, for stated reasons, decide on a choice outside these bounds. In the branching network, discretion is exercised only in the latter case.

A matrix model uses imprecise information (such as is ordinarily available in case files) in such a way that the information is amplified to help "zero in" on the general area of the "target." Different concerns or issues are being tapped. The problem of finding a friend's home in a certain city provides an example. If we know only the city (and he has no phone), the search will be time-consuming and difficult. If we know he lives near a certain street, the necessary search already has been dramatically reduced, but it is still substantial. If avenues are perpendicular to streets and we know also that a certain avenue is nearby, the *region* has been located and the remaining search will be easy. A few additional inquiries near the intersection probably are all that will be needed in order to precisely locate the home. Once the intersection is known, it is clear that a journey to that point will be "in the ball park" of the solution wanted.

The guideline ranges in a matrix model are thus somewhat akin to "confidence intervals" in estimation problems. For example, it might be stated that offenders classified as exhibiting a specific combination of offense seriousness and risk factors will be expected, with probability = .80, to serve between 15 and 20 months. That is, 80 percent of decisions will be expected to fall within the bounds of the estimate.

The branching network models address a different, more difficult task more like "point estimation" problems. A prediction of the specific decision, parole or continue, is required for each case.

## Morals and Models

The two general types discussed do, however, suffice to raise certain moral issues, to suggest questions concerning the choice of alternative models, to call up the general concerns of decision effectiveness and accountability, and to pose a number of questions about priorities for research and practice.

The relationship between the model and the process may seem a point of difficulty, particularly where the decisions have a moral value content. Parole decisions must invariably have such a content because it is human beings that are "processed" by the decisions. In the past, questions relating to process styles, or challenging them on moral grounds, have not arisen for the very simple reason that the different kinds of structure were not known. Now, however, two kinds of issues can be identified. Both raise value questions, but they are of quite different forms. We have, in the past, discussed the moral concerns (in relation to parole decisions) in terms of the outcome of the decisions, such as whether persons were detained too long or let out too soon with resulting risk to the community. These questions, of course, remain and are still the most significant. There is now, however, the new kind of question as to whether the *process* itself is justified. Should the decision be made with respect to "dimensions" (as with a matrix model, such as the Federal guidelines) or should it be by means of a "branching network" of tests (as in the North Carolina case) or is another kind of model more morally right? A still further question is whether the latter set of questions may not be disposed of if the former question can be answered. Is the right (?) outcome all that is required, so that any process which maximizes that end would be self-justified thereby?

Unless we are careful, we may find ourselves in something like a theological debate, closely analogous to whether belief in One God is the same as believing that there is only one Good. If one model may be morally justified, must alternative models be rejected?

From empirical evidence and common observation it is clear that one can arrive at the same conclusion by different means and on the basis of differently constructed arguments. It has been demonstrated, for example, that different judges will dispose of a case in very much the same way (impose the same penalty) but for quite different reasons, by giving different weights to different items of information.[2]

A similar assessment of the robust nature of some decision processes may be inferred from another result. The use of prediction methods in research design has developed over the last 50 years. At one time it was considered that the ways in which equations were calculated could make considerable differences in the estimation of the probability of recidivism. Recently it has been shown that estimates of the probability of reconviction are extremely robust under different systems of weighting of the information used in the prediction tables. Of course, there are limits to the weights and to the items which may be included, but these limits are by no means as strong determinates as had been thought at one time to be the case. In the United States Parole guidelines, for example, the items included in the "salient factor score" are given weights of one if they apply and a weight of zero if they do not apply. This simple weighting, far from resulting in loss of information and precision in prediction, actually improves the expected power of prediction for validation samples.[3] (The reasons for this have been explored, but are not relevant to the present discussion.)

The fact that different weights do not necessarily make much difference to the use of information in an additive model does not at the same time indicate that changes of type and structure of the models would not make considerable differences in the nature of the outcomes. All additive models work to the same processes and are the same kind of treatment of information in that items of data may be substituted and the same sum obtained. For example, an inmate who has one more prior conviction than another inmate may compensate in his "salient factor score" either by obtaining some educational credential while in the institution or by having a sound parole plan. Each item of information in the salient factor score contributes a small amount (one or zero) to the total, and no single item will condemn the individual to any specific decision. Good may cancel out bad items in the total. With a "network" model, this will not apply. An individual who does not pass through a branch may have no further opportunity of re-entry to the stage prior to that branch. Thus, for example, in a sequential model the rules could be such that an applicant for parole who has not been admitted to "honor grade" cannot proceed further towards his parole--he drops out of the "steeplechase" at this hurdle. A failure to clear this point in the network precludes consideration of how well or badly he might do at other hurdles in the network. Good points cannot, in general, cancel out bad points, since there is no totalling of the score as the basis for the decision.

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[2] Wilkins, L. T., Kress, J. T., Gottfredson, D. M., Calpin, J. C., and Gelman, A. M., *op. cit.*, 1976.

[3] See Appendix A.

There is a very clear difference between the guidelines models which are based on additions of items of information where the sequence of the information is of critical significance. There are, of course, other differences between the matrix model and the sequential model, and there are other possible models of decisions in relation to information search and use. These two models may serve for the moment, however, as archetypes of forms and patterns of guidelines.

## What Goes Up Must Come Down!

The fact that different types of models have been developed derives from the strategy of research adopted at the start. In order to clarify this relationship, it is necessary to restate some of the earlier arguments for the methods adopted and to relate these to the nature of the outcomes obtained.

The methods used were not constrained by any fixed theory nor by beliefs as to what method of decision-making in parole was morally right. The authors do not claim to be "value-free" in the research in all respects; indeed, the rather relaxed attitude towards kinds of models is, itself, a value choice. Alternatively, explanations might have been sought only in terms of certain models. In fact, in the first few months, the authors were rather unimaginative and sought to apply the initial (Federal style) matrix model as an explanation of the observed decisions of the parole boards in the various states. It was when this model failed to explain the decisions to the satisfaction of the boards that we had to choose between two alternative possibilities, namely,

a) The regression equation (additive) model, from which a matrix model was derived, might not have worked because the decisions of the board (where it failed) were made not as a board, but as idiosyncratic individuals. No collective explanation was possible because none existed! We could not discover any implicit board policy because there was none.

b) The fact that we could not discover a policy with the use of regression (additive) models was not because no policy existed (implicit or explicit), *but rather that the policy could not be expressed by the additive model.* We should, therefore, seek other kinds of explanatory models.

Dictates of the scientific method would permit recognition of only one of the above two alternatives as reasonable, namely, (b). Merely to show that a particular form of model does not work does not, however, indicate the model which will work. We have tested the hypothesis ("additive models will map the decisions of the Board") and it has not been sustained; but now we have to invent other hypotheses. Much is known about methods for the testing of hypotheses, but little can be said about the invention of hypotheses in the first place. We were faced with the task of trying to find "different" models, but we had little guidance as to what form they might take.

It was postulated that a screening model could be devised to fit more closely. Networks of decision nodes considered in sequence would represent a very different form from that of regression and there seemed to be good reasons to try it to see if it would fit the North Carolina data. There was no doubt of the rationality of the network model: (a) it was different from that used for the previous work on parole decision mapping, (b) the logic was perhaps somewhat more complex, and (c) discrete items of data were not seen as forming dimensions but needed to be considered separately in a sequence. The preceding chapters have shown that models of the non-additive kind do map certain boards' decision methods since it was possible to predict decisions with fair precision. We are not here concerned with the facts but with exploring the meaning of the facts, particularly what we may learn from the need to fit different models to different parole systems. Should all systems work to similar models? How different are the different boards in their decision-making? Are there other models which might be explored in these or other instances? To answer these and related questions it will be necessary to examine some theoretical issues and to compare our results with others where different models have been found to apply. Among the examples of prior work we might find cases where the explanations were simpler and where the outcomes were not overlaid with moral issues as in the present case.

## Practice Leads to Theory?

It is, as Popper suggests, agreed that hypotheses must precede research, as in the hypothetic-deductive method. There are strategies in research which may be seen as making weak or strong uses of theory. In this study we have preferred to use theory weakly; that is to say, we have used theory to suggest many kinds of questions rather than using it to sharpen finely the area of our inquiry. It may be considered that we had some basic theory relating to branching networks, but if so, there was little to it other than empirical opportunism. There are, of course, other methods for the use of models and we may compare our approach with some of these in order to assess the questions we are now posing ourselves. Let us first note one or two examples of research in other fields using other models and we will later use these examples as a means of explaining the case in point.

In some kinds of research it is possible to state in advance the kinds of models which it would be reasonable to fit to the data and to ignore all others. Such decisions on the part of research workers should be seen as a selection of strategies rather than being related to ideas of what "really" was true. We may have been biased in our selection and indeed we did begin by trying to fit the "matrix" (Federal) model, including its "additive" features. This was not our philosophy of research as much as a strategy of convenience. We sought to find a model which fitted the decision processes of the various state boards. This was so that we could understand their decision processes. If we could find a model which "explained" (fitted/mapped) the variation observed between decisions, then we had some form of language which could be manipulated. There was no investment in any particular model, except that at that time we knew only of one! Rather than test a specific model, or perhaps several, models of quite different forms should be explored. But let us leave that judgment until we have considered the evidence we have and the ways in which research has proceeded in other exemplar situations.

A strategy which differs from that applied in the present case in very significant ways should perhaps be noted briefly at this point. In contrast with our "weak" use of theory, this approach makes strong use of theoretical frameworks. A model may be designed which represents the possible extreme position in one direction and another model which represents the polar opposite. It may then usually be assumed that, whatever the "real" position, it will lie between the two models. This often enables some very useful statements to be made without the support of observation. Such kinds of models are of considerable value in planning new activity, or new forms of activity. Nagel[4] provides an interesting example of this approach. We may be concerned to estimate what might happen if modifications were made to the jury system, such as reduction to six with required unanimity or a majority of ten out of twelve. We may assume that one extreme is that every juror will vote as "his own man"--each individual's decision process is independent of every other member of the jury. At the other extreme we may suppose that, as in a bowling game, if the kingpin goes down, the remainder will follow with a high degree of probability. This latter model represents the greatest degree of interdependence. We can conduct mathematical analyses of these models of extreme independence and interdependence to see how the model "behaves" under different assumed conditions. Whatever is the "real" position, it may safely be assumed to lie between the two extreme modelled situations. If, as is often the case, the two models indicate that there is little change in outcome in proposed activity, this finding is useful in providing "room for maneuver." Certain kinds of possible change may be more sensitive to the different models, and again this is useful information.

In neither case of the above example is there any suggestion of the actual behavior of juries; they may be working to extreme interdependence decision rules or extreme independence, or some may be working to one model and others to another. In the example and similar kinds of inference, such questions are irrelevant. The model encompasses all possible situations and makes no statements as to which are better or worse, nor indeed is any criterion necessary in the design of the model. Use of the models may indicate more or less desirable situations or outcomes, but the models themselves are not involved in the discussions which may result from their use. We might take the view that the "Twelve Angry Men" model (interdependence/bowling model) is not appropriate in a company board room. The model *may assist* us in assessing either the morality or the efficiency of the operations "mapped" or both; but the model itself merely provides a language. Models say nothing about the kinds of situations which *ought* to apply, although they may be set up as a means of describing what may be expected to take place; models may describe ongoing activities or express theories; models may indicate limiting possibilities or illustrate the average. In other words, the model is a tool of wide use, but it is little more than a tool. It is absolutely necessary for those who use any model to be clear as to the purpose which it is designed to serve. Arguments in terms of multiple purposes are both difficult and hazardous. Let us set aside this illustration of models and their uses and examine a very different kind of purpose in model building.

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[4] Nagel, S. and Neef, M., "Determining the Impact of Legal Policy Changes Before the Changes Occur": Paper presented to the Midwest Political Science Association, Annual Meeting, 1975 (Mimeo, courtesy of authors--awaiting publication).

## Joe's Thumb and Other Models

Cheese making is more of an art than a science. Until quite recently, cheeses were assessed for readiness for market by "Joe's thumb." An experienced worker would press the cheese with his thumb and note the resistance and a characteristic termed "fight-back." Joe's subjective assessment was the decision which determined the action taken with regard to the cheese. It seemed desirable to try to find out exactly what processes "Joe" was carrying out and, since Joe would not live forever, to try to replace him with scientific instruments. Accordingly, research workers attempted to "model" Joe's thumb. It may sound odd, but this was by no means trivial research as considerable business interests were involved. In the cheese case, rather similar mathematical models were explored to those explored in regard to parole decision-making. There was some similarity in that the research worker's task initially was to try to understand (model) the subjective decisions of parole boards. It should be noted that to say that boards' decisions were "subjective" is not to say that the decisions could be improved. Let us leave that example for the moment and note one further use of modelling.

Data giving details of the income distribution of households in cities are not usually available, except in respect of a small sample of towns where sample surveys are carried out. Information on income distribution is important for marketing companies, and, accordingly, it is useful to attempt estimation for the cities where the data are not available by the use of information from those cities covered by surveys. Estimates might be possible by use of "proxy" data which were available from census for all cities. For example, the infant mortality rate is known and published frequently for all cities and it is known that there is a correlation between income and the infant mortality rate. Perhaps if several items of data were combined it would be possible to estimate the unknown income from several items of other data. Substitution of a set of weighted "knowns" which were demonstrated to "fit" the observations where available has much in common with our attempt to fit equations to decisions of parole boards. One set of information (details about the offender) is available in all cases where decisions are required and for a sample the decisions of the board are known. We may seek to "map" the one into the other and identify a set of "proxy" data for the "decision" data.

While there are more similarities than differences in the kinds of mathematical analyses necessary to carry out the different projects noted, one major distinction must be stressed, namely that between *a priori* model building and *a postiori* model building. In the case of the jury (bowling, etc.) models, we have an example of *a priori* modelling. The model could be set up without observing juries in action. In other cases, models may be designed to represent "ideal" types of behavior on the assumption of "rational decisions." A notable example is that of "economic man." These latter forms involve the making of assumptions about the "real world" which are unlikely to be true, such as the assumption of perfect information in regard to market behavior models. Our position is somewhat different from all of the cases in one respect.

Guidelines research begins as an *a postiori* model based on observations and is completely descriptive. It is clearly incorrect, however, to talk of "guidelines" as merely descriptive since the very word indicates prescription. This transition from descriptive to prescriptive is critical to our research and is a transition which we do not, ourselves, make. This must be the board's decision in each state. This decision involves something like a prescription which says that the policies of the past (recent case decisions) reflect a policy which should be continued into the future. Alternatively, the decision is to *modify* the tentative guidelines into a prescriptive form. In other words, the descriptive model (if it is valid and powerful) provides the "guidelines" by systematically condensing the past decision behavior of the board concerned; the decision by the board now is to continue past policy or modify it.

There is, of course, no constraint on the board imposed by a description of their working. They may take the view that they do not approve of the policy indicated in the model and do not wish to continue as they have done in the past. This is tantamount to rejecting what we have called the "Joe's thumb" model and philosophy. The more formal encodification of the subjective decision processes reveals activities which the board may wish to inhibit because they consider that such matters are not "right" or "just" or "politic." The descriptive model provides a *language* which clarifies the prior process and enables it to be critically examined in a way not previously available to the board. If a weight is necessary, say, to the fact of "race" in order to explain (describe) the board's decisions, then the revelation might suggest that the descriptive equations should not be turned directly into guidelines.[5] Thus the board might use the modification of the description equations to ensure that their policy did in fact change accordingly. It is not an attitude change on the part of the paroling authority, but a change in their decision reference which is required. Individual members of boards and hearings officers are not individually charged with policy formation; that is matter for the whole board in accord with legislation.

These examples show that there may be some lack of distinction between *a priori* and *a postiori* model building in the setting up of guidelines. In regard to the two different kinds of models, the situation is clear as to the facts, but there are some interesting and significant concerns arising from an interpretation of the facts. It has been suggested that the description of parole decision-making in one jurisdiction may not be effected with a model of the same kind as that used to describe the decisions in another. This may not be merely a difference in terms of the weights given to items of data, but a different strategy for looking at and using data. Why should this be so?

## Kinds of Accountability?

Perhaps the most revealing thing a person can tell another about his decision-making is how he knows when he has made an incorrect decision. The failures of a process are often more revealing of its nature that its successes, particularly if the failures are recognized and serve as a basis for further data. In some way or another, all parole boards are concerned with the possibility of "getting a decision wrong" and with the consequences of any error or accusation of error. It is important to note that accusations of error made by others and self-recognized errors can be similar or may be quite different things. Parole boards tend to be unnoticed by the general public while everything is seen as going well. If a dramatic incident occurs (e.g., a paroled murderer commits another crime) then the board is held accountable and is accused of making a serious error in decision. There is also a tendency to generalize from the single incident and attack board policy. Such possibilities must always be in the minds of board members, even though suppressed. "If this case fouls up, what can I say?" or, after an incident, "How can we avoid another one like that?", where "like that" refers to the total effects on the board of facts of the case and ways in which these were represented to the embarrassment of the board. Since there is always a risk of similar factual situations arising if parole is granted at all, then it is not unreasonable to concentrate upon the second part of the problem--the ways in which the facts may be represented to the discomfort of the board or challenge the general policy of parole.

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[5] No such case has been found in our research where "race" has been a factor, and this is given as an example where there would seem to be little disagreement as to the undesirability of the transition from description to prescription without modification.

There are two kinds of defensive strategies. Not surprisingly, these two strategies are precisely reflected in the models we "discovered" by seeking descriptive models. The defense may concentrate on the individual items of information in respect to the *individual* "foul-up" or it might concentrate on the correctness of the *general policy* and play down the individual details. Which strategy is the more likely to be effective depends upon the environment (political climate) in which it is applied. It is also possible that the form of the attack (whenever it comes and for whatever apparent reason) may also differ according to the environment. The New York Times and the Washington Post may attack with one form, while the San Francisco Chronicle will use another style, and so on. Boards are, of course quite correctly, sensitive to their environment; the survival of parole as a system depends upon its remaining acceptable to legislatures and the public, and the press has an influence upon both.

There is no suggestion that any one state board has consciously developed a different method of information search and decision-making with regard to parole because they are prepared for a different form of possible attack than, say, attacks upon the United States Parole Commission. Rather, board members in any area reflect in themselves something of the qualities of the area. States do differ from each other! People who live in the different environments of different states, whether or not born there, are continuously breathing that air, living in that information setting, and reacting to that political climate. It may be that the boards of various states *should* reflect the essential elements of their political scenes. If that prescriptive statement is accepted, then we may make another --the guidelines *should* reflect state differences.

This is the stance taken in this study. It was expected that the research would reveal differences among paroling policies in the different states. The models make this quite clear, because they are stated in a quite precise language, and not in generalities as is more usual with policy statements. The test, in each case, as we see it, is whether the model as fitted to the decisions (whatever its form) *is acceptable to the board* for its future guidance. (A board may have difficulty in supporting a claim that a model does not describe their policies in the past, since, depending on the degree of "fit," this is a matter of demonstrated fact.)

In the specific case, if any other state board, having seen that a model can be found which fits their past decisions, decides that there are no strong reasons to change their policy, then there are no reasons why they should not adopt the model as their guideline for future decisions. A procedure is also required to permit departures from the guidelines and for the use of such information to guide policy change as the environment changes.

The explanation of the different models (matrix or sequential) may be clarified by imagining the form of accusation in the case of a "decision error." "Did this person or did he not..." possess characteristic (x)? "And did he not...?": The specific questions relate, in this example, to discrete items of data. The imaginary defendant (the parole board) would be inferred to have erred if it had to answer questions formed in this way with a response showing its guidelines were not followed. "Had this person made honor grade in the institution: yes or no?" If the board had to say that he had not made that grade, then it would be assumed to be in error in releasing the offender and hence responsible for the fact that he had committed another crime. The lack of logic (the non sequitur) would not trouble many of the accusers! The board with the sequential model is ready to meet this kind of attack. Each decision is made in terms of the branching network of specific items of information. The policy calls for the giving of reasons for departures from the guidelines, which are expected, but they are not, in general, so well prepared to meet accusations which deal with more abstract concepts. The board with the matrix model, on the other hand, is prepared for defense in terms of abstractions, such as the concepts "seriousness of offense," "probability of reconviction," or "prison adjustment."

The fact that there are differences in the "level of abstraction" in which the policy (i.e., guidelines) is stated is evident from the kinds of models which were found to fit (descriptors). The differences are consistent with a supposition that the nature of the defense for decisions differs in similar ways among boards and states. The United States Board, for example, may be more susceptible to criticism in law journals and the "establishment" press; and indeed, it has been attacked by learned judges in their published books in the past in terms of abstract concepts such as "policy," "consistency," "openness," "understandability of decisions," and so on. The way they had developed their work fitted this environment and the models we discovered to fit their decision processes also fitted this environment. Thus, their guidelines are structural in terms of "dimensions" to which there are *indicators* in the form of individual items of information. Such indicators are summed and there is scope for a tradeoff between good and bad characteristics. In the sequential models, items of data are treated, as it were, in their own right and not summed into *indicators* of abstract concepts. We do not know whether the environment for the boards with sequential models matches this form of defense. If not, and if the assessment of any board is that the forms of attack come in the nature of those faced by the United States Board, then the sequential guidelines may not be optimal for this kind of environment.

Are there any other grounds of preference for one form of model or the other? We have no indication that the network model is any more or less acceptable than other forms, either technically or morally.

There is some possibility, suggested by other studies, that network models tend to represent more risk aversive decision processes than other models.[6] It seems that the risk aversive element is due to the fact that at each node (branch) a subsidiary decision is involved. A node tends to become an all-or-none determination, based on one item rather than conditionally upon other items of data.

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[6] Kingsnorth, R. Doctoral dissertation, School of Criminology, University of California, Berkeley, 1970.

Hence, a "safe" decision tends to be made at each branch, with an overall result that fewer persons get through the network than would be the case if alternative routes were available for them.

It would be possible to work out notional board decisions for a sample of individual cases to two or more models. Thus, the expected decisions could be calculated by matrix models and sequential models for similar samples. A design thus:

| Model Type | North Carolina Case Sample | Federal Case Sample |
|---|---|---|
| Matrix model | | |
| - - - - - - - - - - - - - - - - -(NOTIONAL DECISIONS) - - - - - | | |
| Sequential model | | |

would be possible and might give some useful comparative information. One objection to such comparisons is that even the same crime, carried out in an exactly similar way, may in one area be regarded as much more serious than in another. As a judge put it to us recently, "Cutting a wire fence in Vermont is a different crime from cutting a wire fence in Denver." The qualities of the crime which are related to the disposition of the court and the decisions of the parole board are determined by two or more (but at least two) factors, (a) the crime, and (b) the environment in which the crime was committed. We lack means for adequate description or classification of (b); and legal categories of (a) are not strictly comparable between states. Comparison would, therefore, be a difficult task and require considerable further research. We hope that this will be borne in mind by readers of this report and that they will not rush to criticism of colleagues in other states who work in different styles and hence may use differently constituted guidelines.

## Other Possible Methods

If the guidelines had been developed by other means, there would have been no opportunity for different models to appear. If, for example, we had prepared *a priori* models we might have found some degree of "fit" for several models in several states. It might have been that some type of model would have been found which was somewhere in between the styles now identified. Low correlations between the actual observations and the theoretical models might have been noted for all areas. For this reason, we require the fairly high degree of "fitting" which we set, somewhat arbitrarily, at 80 percent. Any *a priori* model building savors of prescription edging out description and hence can become a vehicle for research workers to insert *their* values into operations. Thus, for example, Adam Smith stated a theory of economic behavior in terms of an *a priori* model and this model later became value-laden and prescriptive. In the example of *a priori* modelling of jury decisions discussed earlier, prescriptive overtones were avoided because the models were designed to fit extreme situations and might be seen as setting the limits of observed behavior--neither specifying an *is* nor an *ought* situation. Rather than being descriptive of any "real" situation, the models specified the range in terms of possible theories. No jury, hearing of the models, would change its behavior!

In the example of estimation of the income distribution of towns, no estimation could change the facts. It was also possible to verify precisely the estimates by carrying out a census or sample inquiry in the towns for which estimates were made. Accordingly, part of the method was to assume that information about income was not available for certain towns where in fact it was known. Estimates were made without the use of information in a subsample and then checked against the known data at a later stage.

This kind of analysis may be used in certain sectors of parole decision-making research. Information which is expensive to obtain or which can be obtained only in a percentage of cases (as with income data) may be substituted by proxy data. The discovery of proxy data could proceed along lines closely analogous to the equations for estimation of the income of towns from other data. This method is very similar to the "Joe's Thumb" problem, but not exactly so. True, the subjective assessment of the expert is taken as the best available measure of the suitability of the cheese to be marketed and a "proxy" measure is sought. However, in the case of the income of towns, a data base exists from which selections can be made and tested in combination for their utility as "proxy" indices for income. Joe's Thumb does not present us with a data base! Because of this, different methods are needed and different sets of assumptions are necessary with this kind of problem.

Depending upon the assumptions we are prepared to make, we may use a very large variety of methods for the background to the development of guidelines. It seems highly probable that quite different methods would result in individual cases being disposed of in a quite similar manner. We have only collateral evidence for this guess, and perhaps some future research might look into these matters.

## Models and Morals

Model building, whether or not developed into the operational use of guidelines, is one of the most powerful methods for assessing the import of our social decisions. It may even be said that we may begin to examine some quantification of moral judgments by these methods. This is a sweeping claim and needs justification.

Perhaps an example will suffice to indicate the possible approach. In the model used by the United States Parole Commission, there are two major dimensions which account for the variance in decisions--the seriousness of the offense and probability of a further offense. From examination of the degree of increment in the time-to-be-served as against these two dimensions, it may be noted that seriousness is the more important factor--the "slope" of the penalty is greater than for the probability factor by a ratio of about 60:40. It would be an easy matter to hold constant the same average time but to modify the scales so that seriousness of offense and risk of reconviction were equally weighted, or the weights might be reversed. In other words, the "discovered" model may now be modified to a model of the *a priori* kind. It would then also be a simple matter to draw a sample of decisions and to see what differences the change of scale would make in the outcomes. On one side, we could put those cases which would be decided in exactly the same terms, in another pile we could put those whose penalty would increase and in another those for whom it would decrease. This could be done for any model we wished to imagine and were prepared to put to the test.

In the abstract, it is difficult to answer the question as to whether justice requires that the seriousness of the offense be given the same, lesser, or greater weight than factors about the offender which relate to the risk of further crime. We now know that the United States Parole Commission was acting *as though* the correct weight was slightly greater for the seriousness of the instant offense. This is the codification of the received wisdom of the Board as it developed over the years. We know of no reason for changing the ratios. The important thing about modelling is that we do not have to make the *actual* change or to put into effect an innovation in order to be able to study its probable effects. And, of course, simulation is made possible through the use of models. Simulation methods can be used to examine very many and highly varied problems. Indeed, the number and types of simulation research studies which are now seen as feasible appear to be limitless. Only the time available for thought restricts the number of simulation projects which could be imagined! There are more feasible varieties of simulation than possible variations in real life; for the obvious reasons that simulation costs little, does not involve any real risk, is not politically embarrassing, and is less time consuming.

Some of the qualities which are usually assumed to involve moral value choices may be simulated and the input varied. Justice (a moral concept?) involves concerns as to equity and prejudice. It is known that the kinds of decisions people make are related to the ways in which they search for information. It is also known to be possible to change decisions of persons by merely changing the order of presentation of information (i.e., same information, same persons, different order of information, leads to different decisions). It is also known that the means of presentation also influences the nature of the decision. Redundant information (correct, but unnecessary, information) also modifies decisions. These modifications all can occur whether the decision involves moral value choices or merely economic welfare decisions. We are now able to study these phenomena because we can, as it were, take apart the complex processes which previously hid the same kinds of effects, although most were intuited by experienced decision-makers.

## Priorities and Pleasures

We know that the data base throughout the criminal justice system is generally of poor quality. Some have called for very large investments to improve the information both in terms of quality and in its handling. Is the cost of improvements justified in terms of a potential for improved decision-making? Such a claim can be supported only if it can be ensured that the improvements in the quality of the material (data for decision-making) can be matched with improvements in ability to use it. An expensive cloth and a cheap tailor will not produce the best suit! And the tailor must have the appropriate tools.

At the end of this research project, we (the research staff at least, and perhaps others) are like children with a new tinker toy. Hundreds of things such as boats, cranes, robots and the like can be made with the same basic set of parts and each one may be disassembled into its basic unit parts for other constructions. We can see all the things which it is possible to examine by setting up models, by simulation of data, and by myriad analyses. As research workers, we find some of the questions more intriguing than others, but we do not consider ourselves alone to be the authorities on the priorities which should be given to these questions. It is hoped that other persons concerned with other aspects of the criminal justice processes will consider the variety of things that can be built and will say, from time to time, "Why don't we build that and see how it works?" What priorities should be given to questions which are amenable to analysis through the use of decision-making models such as those described and discussed in this report?

There is a more fundamental question which has to be faced (or avoided, which will amount to the same thing!). Continuing the analogue of the tinker toy, the question is, "What size of set ought we to invest in?" It is possible to imagine very sophisticated "sets" which involve computer data bases and man-machine interaction with automatic recording of simulated decisions within various constraints. The paper file is already obsolescent, and perhaps we need to know how decisions may be reached when the medium of presentation is changed. It is possible that those decisions which we now regard as moral choices will be modified by the mere change of the medium of presentation of information. We already have research findings which strongly indicate that this will be so. We can simulate the computer of the future now and be ready to meet the new problems it will bring. We can leave matters as they are and rely upon reactive measures. That is a major value choice now to be made by action or by default.

# APPENDIX A

## Parole Outcome
## A Multidimensional Contingency Table Analysis *

Herbert Solomon

*This is a statistical study of parole outcomes with a set of possible predictor variables that is accomplished by multidimensional contingency table analysis. It is keyed to prior studies conducted by the Parole Decision Making Project of the National Council on Crime and Delinquency. These studies, based on data of approximately 2,500 prisoners in the federal corrections system, suggest nine variables presently employed by the U.S. Parole Board in parole decisions. The present analysis, employing a different multivariate data technique, indicates only four of the nine variables are required. It also demonstrates that representing the four variables by a sum of scores can hide discrimination power available when each prisoner profile is viewed as a four-dimensional array of data. A discussion of the model appears at the end of the paper and describes the methodology of contingency table analysis within the context of prisoner profile data and parole outcome.*

This report discusses the results of a statistical study of the association of parole outcome with a set of possible predictor variables. A great deal of interest exists in this subject and a number of studies have appeared over the last several years. A key study along these lines is one prepared and published by the Parole Decision Making Project of the National Council on Crime and Delinquency under a grant from the Law Enforcement and Assistance Administration. This study, based on data from the federal corrections system, received the complete cooperation of the United States Parole Board, which provided access to the data and the time and effort of its Members and staff.

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*Support under LEAA Contract 75NI-99-004, "Classification for Parole Decision Policy," is gratefully acknowledged. Adapted from Herbert Solomon, "Parole Outcome A Multidimensional Contingency Table Analysis," Journal of Research in Crime and Delinquency, Volume 13 (1976), pp. 107-126.

## Summary

The final report[1] of the Parole Decision Making Project consists of a summary report plus thirteen supplemental sections. One of these (number nine) gives some details of the statistical methods employed to produce a Salient Factor Score, an index that becomes an element, along with type of crime committed and time served, that provides guidance to a Hearing Examiner or Board Member in recommending parole. The Salient Factor Score is based on responses to each of nine items, which are scored mainly as 0 or 1 responses, but in two cases can receive, 0, 1, or 2 -- thus the maximum score is 11. The higher the score, the less likely is the prisoner deemed to violate parole if granted. The nine items appear at the end of the Summary in a copy of their listing in the Federal Register, Volume 38, Number 222, Monday, November 19, 1973.

These nine items resulted from a study of a large number of biographical and institutional variables associated with a prisoner and parole outc[illegible]ithin two years after the granting of parole. Approximately 2,500 prisoner data profiles served as a basis for the statistical study. A number of multivariate data analysis techniques were employed to determine which subset of the many possible subsets would best predict parole outcome. It appeared that a Burgess scale would do approximately as well as more sophisticated techniques such as multiple linear regression. This makes the scale much more feasible administratively since the weights of the variables in the Burgess scale are equal to one. In this way, the nine items now employed in the Salient Factor Score were obtained.

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[1] Gottfredson, D.M., Wilkins, L.T., Hoffman, P.B., and Singer, Susan M., The Utilization of Experience in Parole Decision-Making, Washington D.C.: U.S. Government Priting Office, November, 1974.

The major thrust of this report is to try another multivariate analysis technique on the same data which is based on a minimum discrimination information statistic. The technique is multidimensional contingency table analysis or, as it is sometimes called, employing a logistic response model for categorical data. What is desired is a representation of the parole data, employed in a parsimonious way, in terms of variables and interactions that are amenable to public policy decisions. The types of data making up prisoner profiles suggest that the classical techniques stemming from the multivariate normal model and employed previously are not appropriate. The logistic response model which gives probabilities of events of interest, e.g. probability of parole violation given a set of predictor variables, is based on much less structure than the classical techniques and yields operationally meaningful terms explicitly.

The basic model here is quite different from the normal theory models, yet some similarity occurs because one manifestation of the model is that the log of the odds ratio (say, of parole violation to non-violation) is a linear function of all the main effects and all the interactions. Thus the righthand side of the equation would be akin to that model which is employed to display the factorial model in the classical analysis of variance. What is at issue, of course, is to reproduce the observed categorized data in each cell of the multidimensional contingency table using few of the main effects and the interactions. Obviously, the observed data would be duplicated if all the main effects and all the interaction terms were included. This model permits the inclusion of, say, third order interaction terms while simultaneously excluding lower order interaction terms if this is the appropriate description of the situation. This is not possible with normal theory models.

The logistic response function can be viewed as stemming from the multivariate normal model in the following way. If we employed R. A. Fisher's multiple linear discriminant function based on multivariate normal models, we can derive conditional probabilities for the occurrence of events. A subsequent use of Bayes' theorem with these conditional probabilities will yield the probability of the event that we desire and it will be defined by the logistic function. This same function can be derived directly from first principles, as Kullback [3] has done by employing the minimum discrimination information statistic for estimating contingency table cell frequencies. Some workers in the field, e.g., Cox [1] and Goodman [2] , start directly by assuming the logistic response function as the appropriate way of defining probabilities of events in analyses of categorical data. An informative discussion and extensive bibliography is supplied by Kullback.

For our analysis many more than the nine item variables on the Salient Factor Score were included. One reason, of course, is to see whether with this new technique other variables or interactions might produce more predictive power. Approximately 25 variables resulted from consultation with staff of the U.S. Board of Parole, and these were examined and included in the study.

The analysis which is described in subsequent sections demonstrates that the best predictor in terms of explaining total variability in parole outcome is a set of four items which turn out to be a subset of the nine items presently employed. Interestingly enough, the first order and higher order interaction terms add negligibly to the information and are not included. These four items are

i) number of prior convictions, ii) auto theft or not, iii) live with spouse and/or children after release or otherwise, iv) previous parole or not. The employment of just these four variables (main effects) without the use of any other main effects or any interaction terms explains practically all the variation in parole outcome over 2,500 prisoners. This is a remarkable phenomenon and suggests that more parsimony can be achieved in parole recommendations, yet administratively it may not be feasible to have such an important decision as parole depend on an element consisting of only four items. The main purpose of this study is not to find another "formula" for parole recommendation, but to demonstrate the use of multidimensional contingency table analysis in parole outcome studies. For example, we can employ the same nine items presently employed by the Parole Board and under the logistic response model we might find almost 100 percent of the variation in parole outcome explained since four items give us 93 percent explanation of the total variation.

It is instructive to provide some exposition about the four items and their use. Notice we are not suggesting that the responses to the four items be added to produce a Salient Factor Score as is done with the nine items. On p. 371 the predictive odds for parole success are given for all 24 possible configurations of responses. For a prisoner with no prior convictions, never paroled

## Guideline Evaluation Worksheet

Case Name ______________________________ Register Number __________

### Salient Factors

Item A .......................................................... ☐
- No prior convictions (adult or juvenile) = 2
- One or two prior convictions = 1
- Three or more prior convictions = 0

Item B .......................................................... ☐
- No prior incarcerations (adult or juvenile) = 2
- One or two prior incarcerations = 1
- Three or more prior incarcerations = 0

Item C .......................................................... ☐
- Age at first commitment (adult or juvenile)
  - 18 years or older = 1
- Otherwise = 0

Item D .......................................................... ☐
- Commitment offense did not involve auto theft = 1
- Otherwise = 0

Item E .......................................................... ☐
- Never had parole revoked or been committed for a new offense while on parole = 1
- Otherwise = 0

Item F .......................................................... ☐
- No history of heroin, cocaine, or barbiturate dependence = 1
- Otherwise = 0

Item G .......................................................... ☐
- Has completed 12th grade or received GED = 1
- Otherwise = 0

Item H .......................................................... ☐
- Verified employment (or full-time school attendance) for a total of at least 6 months during last 2 years in the community = 1
- Otherwise = 0

Item I .......................................................... ☐
- Release plan to live with spouse and/or children = 1
- Otherwise = 0

Total Score...................................................... ☐

Offense Severity: *Rate the severity of the present offense by placing a check in the appropriate category. If there is a disagreement, each examiner will initial the category he chooses.*

Low _______________ High ___________
Low Moderate _____ Very High _____
Moderate __________ Greatest ______

Jail Time (Months) _____ + Prison Time (Months) _____ = Total Time Served to Date _____ Months

Guidelines Used: _____ Youth _____ Adult _____ NARA

Tentative Decision: __________________________________________________

before, non-auto theft offense commitment, and a release plan including spouse or children, the odds are almost 16 to 1 that he would not violate parole -- yet for a prisoner who had three or more prior convictions, previously was on parole, in prison for auto theft, and a release plan that does not include wife or children, the odds of parole are .9 to 1 or less than even odds. Note that if we do not condition on any variable, the odds are 2.3 to 1 for parole success.

In this table, the Salient Factor Score is also given if computed as before, expect that now the range is zero to five. Only one response vector yields a score of five and only one response vector yields a score of zero; in fact, there are the two prisoner profiles above for which we have listed the odds. However, Salient Factor Scores of 1, 2, 3, 4 are not discriminating enough, and this is the kind of price one always pays for summarizing the information contained in four items by a sum, i.e., a one-dimensional representation.

The table on p. 371 is somewhat misleading, because the vector of responses 1, 2, 1, 1 which leads to an odds ratio of 6.3 to 1 would not occur since a prisoner with no prior convictions would not have had a prior parole. If we eliminate these profiles, namely any vector for which the first two response levels are 1, 2, -, - (four in all) and their odds ratio and Salient Factor Score, we have 20 possible configurations with the following distribution.

| Salient Factor Score | Frequency |
|---|---|
| 5 | 1 |
| 4 | 3 |
| 3 | 5 |
| 2 | 7 |
| 1 | 3 |
| 0 | 1 |

Suppose we look at two profiles with a Salient Factor Score of 2; namely 3, 1, 1, 1 and 2, 1, 1, 2. The former has an odds ratio of 3.1 to 1 for parole success and the latter has an odds ratio of 2.2 to 1 for parole success; a difference of approximately 50 percent for the same score. Thus, a prisoner with three or more convictions and no prior parole, incarcerated for auto theft, who plans to live with spouse and children is that much better a risk than a prisoner with one or two prior convictions and no prior parole, incarcerated for auto theft, whose release plan does not involve a spouse and children.

## Exposition of Methodology

The data base is a collection of 2,497 federal prisoner data profiles. Some examples of variables on which data is available that could be included in the analysis, along with a number of possible categories for each variable follow. The reason for hypothesizing a number of categories at this point follows shortly.

| Variable | Categories |
|---|---|
| 1. Parole Outcome | 2 |
| 2. Number of Prior Convictions | 3 |
| 3. Number of Prior Incarcerations | 3 |
| 4. Commitment Offense | 2 |
| 5. Age at first Commitment | 2 |
| 6. Prior Parole Revocation | 2 |
| 7. History of Drugs | 2 |
| 8. Completed 12th Grade | 2 |
| 9. Employment Record | 2 |
| 10. Release Plan | 2 |

These variables taken from the Federal Register list are not exhaustive and others will be included, but the above can serve for the present. The number of categories is subjective for most variables and can be increased or reduced -- the numbers listed here are for illustrative purposes, although they represent the number of levels employed in the analysis. In our analysis, we have over 25 variables with number of categories varying on upwards from two for the 2,497 prisoner profiles.

Usually we will find some reduction taking place to make the contingency table analysis manageable. The number of contingency cells in any one analysis is the product of the number of categories for the variables employed and we desire an average of five entries per cell as a minimum. Thus, for example, if we select variables 1-10 above, 2,304 cells would result and this would require at least 11,520 prisoner profiles. The number of required prisoner profiles can be reduced by either decreasing the number of variables employed, or decreasing the number of categories per variable, or both. In our case, just eliminating two of the ten variables would make the analysis manageable for our 2,500 data profiles. Let us reemphasize at this point that the advantage in contingency table analysis is an assessment of all possible interactions of combinations of variables on parole outcome. Moreover, the behavioral, social, and biographical variables employed do not permit the variance component models typically employed in classical statistical analysis. For thousands of parole outcomes, computers will be required, but multidimensional contingency table analysis programs are available.

Let us begin our exposition of the methodology with variables 1, 2, and 4 (variable 3 is ignored since it is obviously highly correlated with variable 2), that is, we are interested in the association of parole outcome with number or prior convictions and commitment offense (auto theft or not). Also, for exposition purposes, let us assume only two categories for each of the three variables, namely

1. Parole Recidivist - Parole Success
2. One or More Prior Convictions - No Prior Convictions
3. Auto Theft - Other Offense

This coarseness of categories does not affect the conceptual aspects of multidimensional contingency table analysis and anything we develop can include any number of categories per variable.

We are interested in accounting for the variation in parole outcome in a parsimonious way and with meaningful factors. Consider first a simple example with two factors, parole outcome and number of prior convictions. Assume the latter is categorized into two levels, i.e., one or more, or none. The parole outcome and prior convictions for forty prisoners might produce this table

| | One or More Convictions | No Convictions |
|---|---|---|
| Recidivist | 10 | 10 |
| Success | 10 | 10 |

which yields probability estimates

| | One or More Convictions | No Convictions |
|---|---|---|
| Recidivist | .25 | .25 |
| Success | .25 | .25 |

or more generally

| | One or More Convictions | No Convictions |
|---|---|---|
| Recidivist | $p_{11}$ | $p_{12}$ |
| Success | $p_{21}$ | $p_{22}$ |

The overall probability that recidivism occurs in

$p_{11} + p_{12} = .5$. The probability that recidivism occurs when the prisoner has one more convictions is also .5 for

$$\frac{p_{11}}{p_{11} + p_{21}} = \frac{.25}{.25 + .25} = .5.$$

In this example, the probabilities of recidivism are the same regardless of number of prior convictions. This table suggests parole outcome and number of prior convictions are independent and might provoke consternation. We will adjust this soon.

A related measure, denoted as an "odds" measure has an interpretation well known to bettors. In the above example, if one wagers that recidivism occurs, the overall odds, i.e., the odds of recidivism regardless of prior convictions, are one to one or even. Knowledge that the bet is on small or large number of convictions does not change the odds. Realistically, however, the probability and odds that recidivism occurs are not the same for small or large number of convictions. As an illustration, consider the table

| | One or More Convictions | No Convictions |
|---|---|---|
| Recidivist | 15 | 5 |
| Success | 5 | 15 |

This gives probability estimates

| | One or More Convictions | No Convictions |
|---|---|---|
| Recidivist | .375 | .125 |
| Success | .125 | .375 |

From this table, the overall probability of recidivism occurring, .375 + .125 = .5, remains the same but the probability that a prisoner with one or more prior convictions is a recidivist is

$$\frac{.375}{.375 + .125} = .75.$$

This differs substantially from the overall probability of 0.5 which no longer summarizes the data. The odds will change as well, being three to one for prisoners with one or more prior convictions, one to three for others. The information contained in this and the preceding table is described in terms of three characteristics: the overall probability that recidivism occurs for prisoners with no prior convictions, and the probability that recidivism occurs for prisoners with one or more prior convictions.

The basic objective in more complex tables is to identify the minimum number of probabilities that must be specified to adequately describe the table. The specification of probabilities given in the last example can be used. However, recent research has developed a more formal descriptive model similar to analysis of variance or regression models. Instead of dealing directly with cell probabilities, it is convenient to deal with their logarithms. These new variables, the logarithms of cell probabilities, have characteristics similar to measurement data, and they cam be incorporated into a linear model whose parameters indicate the contribution of the various factors and their interactions to the cell probability.

When the prisoner profile data have been collected and prepared for the computer, the multidimensional contingency table analysis computer program is employed as follows. First, it examines subsets of variables that may affect parole outcome and determines how much of the total variation in parole outcome is explained. If the main effects of a number of variables are not sufficient, then first order interactions can be explored. After this, second order and higher order interactions can be investigated. At each step of the sequence, the proportion of the total variation in parole outcome accounted for can be computed. When a stopping point has been reached, odds ratios for recidivism or the probability of recidivism can be computed. This is demonstrated for the prisoner profile data in the next section.

## Parole Data Analysis

We wish to analyze the 2,497 prisoner profiles which have been cross-classified according to a number of variables. After some preliminary analysis with about 25 variables suggested by staff of the U.S. Parole Board, the following variables and their associated levels were deemed important for the final analysis. Their interactions were also included in the analysis. For each level of each variable, the marginal sum is included and its sum across each row is, of course, 2,497.

| | | | |
|---|---|---|---|
| Prior Convictions: | none<br>338 | one or two<br>609 | three or more<br>1,550 |
| Prior Incarcerations: | none<br>779 | one or two<br>726 | three or more<br>992 |
| Age at First Commitment: | greater than or equal to 18<br>1,503 | | younger than 18<br>994 |
| Commitment Offense: | auto theft<br>796 | | otherwise<br>1,701 |
| Prior Parole: | no parole<br>1,752 | | otherwise<br>745 |
| Drug History: | no hard drugs<br>1,987 | | otherwise<br>510 |
| Release Plan: | with spouse<br>491 | | otherwise<br>2,006 |
| Parole Outcome: | success<br>1,743 | | failure<br>754 |

Four five-way contingency tables or cross-classifications of variable factors which are believed to affect the outcome (success, failure) of parole were studied. Of the four tables studied, one led to an estimated table relating the effects of four explanatory variables on the outcome, which was analyzed in detail. Although the estimate is based on a relatively simple additive log-linear model, it nevertheless accounts for a very high percentage of the total variability in parole outcome. In this report, we discuss this table in detail. We also present the highlights of the results obtained from the study of the three other tables. The dependent variable in these tables, OUTCOME, is obtained from the Follow-Up Information provided by the fourth card of the data. This variable has two levels, Success and Failure. The independent explanatory variables are NUMBER OF PRIOR CONVICTIONS, NUMBER OF PRIOR INCARCERATIONS, PAROLE, COMMITMENT OFFENSE, DRUGS, and RELEASE PLAN. The definition of these variables, and their levels, given in Figure 1 (see page 366 ) summarize the notational considerations and definitions of the levels of the variables used in this study.

For all of these tables we first fit model (a) (see the analysis of information tables), which yields estimates based on the null hypothesis of homogeneity of the outcome over the combinations of the explanatory characteristics. The information numbers corresponding to this model indicate that the variations are not homogeneous, and we then seek to account for the variability.

We successively consider models (b), (c), (d) and (e), which are obtained by hierarchically adding two-way marginals containing each independent explanatory variable to determine their main effects. The additivity property of the information numbers obtained from these models permits us to assess the main effect of each independent explanatory variable. It is clear that the effect of an explan-

| Variable | Notation | Index | Information Tables in Which the Variable is Used | Levels 1 | Levels 2 | Levels 3 |
|---|---|---|---|---|---|---|
| NUMBER OF PRIOR CONVICTIONS | H | h | I,IV | No prior conviction | One or two prior convictions | Three or more prior convictions |
| NUMBER OF PRIOR INCARCERATIONS | I | i | I,II,III | No prior incarceration | One or two prior incarcerations | Three or more prior incarcerations |
| PAROLE | J | j | II,III,IV | No prior parole | Otherwise | |
| COMMITMENT OFFENSE | K | k | I,III,IV | Auto theft | Otherwise | |
| DRUGS | L | ℓ | II | No history of hard drugs | Otherwise | |
| RELEASE PLAN | M | m | I,II,III,IV | To live with spouse (and/or children) | Otherwise | |
| OUTCOME | N | n | I,II,III,IV | Success | Failure | |

*Figure 1*

atory variable on the outcome may differ from one table to another because of the set of the remaining variables and the sequence in which they are considered in each table.

The following Figure 2 gives the information numbers corresponding to the main effect of each independent explanatory variable.

| Variable | Table | Information Number | Degrees of Freedom |
|---|---|---|---|
| NUMBER OF PRIOR CONVICTIONS | I | 109.379 | 2 |
| | IV | 108.374 | 2 |
| NUMBER OF PRIOR INCARCERATIONS | I | 24.807 | 2 |
| | II | 107.740 | 2 |
| | III | 110.548 | 2 |
| PAROLE | II | 32.955 | 1 |
| | III | 24.838 | 1 |
| | IV | 33.168 | 1 |
| COMMITMENT OFFENSE | I | 34.696 | 1 |
| | III | 30.827 | 1 |
| | IV | 30.796 | 1 |
| DRUGS | II | 19.149 | 1 |
| RELEASE PLAN | I | 32.190 | 1 |
| | II | 43.428 | 1 |
| | III | 32.956 | 1 |
| | IV | 35.055 | 1 |

*Figure 2*

As may be seen from Figure 2, the main effect of DRUGS is least among the independent explanatory variables. The effect of NUMBER OF PRIOR INCARCERATIONS is reduced substantially when the variable NUMBER OF PRIOR CONVICTIONS is included in the table. This implies that the NUMBER OF PRIOR INCARCERATIONS and NUMBER OF PRIOR CONVICTIONS are highly correlated. These considerations led us to concentrate more on Tables I and IV. We denote the cell entries for Table I by x(hikmn), and those for Table IV by x(hjkmn), where the indices are as defined in Figure 1. The analysis of information for these two tables is given in the following analysis of information tables.

We may interpret the value of $2I(x:x_a^*)$, the information number corresponding to the model of homogeneity, as the total variation (similar to the total in an analysis of variance). The percentage of the total variation explained by a model containing some additional explanatory variables or their associated parameters is the relative decrease in the information numbers in comparison with that of model (a). Thus the model (e) in the analysis of information table for Table I explains

$$\frac{220.053 - 18.981}{220.053} = 91.4\%,$$

and model (e) in the analysis of information table for Table IV explains

$$\frac{222.617 - 15.224}{222.617} = 93.2\%,$$

of the total variation. The same model explains less than 90 percent of the total variation for Table II or Table III. We therefore analyze model (e) for Table IV in greater detail.

The log-odds representation for model (e) in Table IV is

$$\ell n \frac{x^*_e(hjkm1)}{x^*_e(hjkm2)} = \tau^N_l + \tau^{HN}_{hl} + \tau^{JN}_{jl} + \tau^{KN}_{kl} + \tau^{MN}_{ml}.$$

ANALYSIS OF INFORMATION FOR TABLE I

| Component due to | Information | Degrees of Freedom |
|---|---|---|
| a) x(hikm.), x(....n) | $2I(x:x^*_a) = 220.053$ | 29 |
| b) x(hikm.), x(h...n) | $2I(x^*_b:x^*_a) = 109.379$ | 2 |
| | $2I(x:x^*_b) = 110.674$ | 27 |
| c) x(hikm.), x(h...n), x(.i..n) | $2I(x^*_c:x^*_b) = 24.807$ | 2 |
| | $2I(x:x^*_c) = 85.867$ | 25 |
| d) x(hikm.), x(h...n), x(.i..n), x(..k.n) | $2I(x^*_d:x^*_c) = 34.696$ | 1 |
| | $2I(x:x^*_d) = 51.171$ | 24 |
| e) x(hik.n), x(h...n), x(.i..n), x(..k.n), x(...mn) | $2I(x^*_e:x^*_d) = 32.190$ | 1 |
| | $2I(x:x^*_e) = 18.981$ | 23 |

ANALYSIS OF INFORMATION TABLE FOR TABLE IV

| Component due to | Information | Degrees of Freedom |
|---|---|---|
| a) x(hjkm.), x(....n) | $2I(x:x^*_a) = 222.617$ | 23 |
| b) x(hjkm.), x(h...n) | $2I(x^*_b:x^*_a) = 108.374$ | 2 |
| | $2I(x:x^*_b) = 114.243$ | 21 |
| c) x(hjkm.), X)h...n), x(.j..n) | $2I(x^*_c:x^*_b) = 33.168$ | 1 |
| | $2I(x:x^*_c) = 81.075$ | 20 |
| d) x(hjkm.), x(h...n), x(.j..n), x(..k.n) | $2I(x^*_d:x^*_c) = 30.796$ | 1 |
| | $2I(x:x^*_d) = 50.279$ | 19 |
| e) x(hjkm.), x(h...n), x(.j..n), x(..k.n), x(...mn) | $2I(x^*_e:x^*_d) = 35.055$ | 1 |
| | $2I(x:x^*_e) = 15.224$ | 18 |

The following tables give the original observations and estimates for model (e), the odds factors, profiles and predictive odds for Table IV and the odds factors for Table I.

PROFILES FOR TABLE IV

| BEST ODDS OF SUCCESS | |
|---|---|
| Base | 1.39 |
| Prior Convictions = No Prior Convictions | 3.27 |
| Parole = No Parole | 1.60 |
| Commitment Offense= Otherwise | 1.00 |
| Release Plan To live with spouse and/ or children | 2.16 |
| Product of above | 15.76 |

| WORST ODDS OF SUCCESS | |
|---|---|
| Base | 1.39 |
| Prior Convictions = Three or more Convictions | 1.00 |
| Parole = Otherwise | 1.00 |
| Commitment Offense = Auto Theft | 0.64 |
| Release Plan = Otherwise | 1.00 |
| Product of above | 0.90 |

Observed Odds of Success 2.31

THE ORIGINAL OBSERVATIONS AND ESTIMATES FOR TABLE IV

| Levels of variables | | | | x(hjkmn) | | $x^{*}$(hjkmn) | |
|---|---|---|---|---|---|---|---|
| | | | | Outcome | | Outcome | |
| Number Of Prior Convictions | Parole | Commitment Offense | Release Plan | Success | Failure | Success | Failure |
| 1 | 1 | 1 | 1 | 2 | 1 | 2.730 | 0.270 |
| 1 | 1 | 1 | 2 | 29 | 5 | 28.012 | 5.987 |
| 1 | 1 | 2 | 1 | 102 | 4 | 99.663 | 6.337 |
| 1 | 1 | 2 | 2 | 156 | 21 | 155.621 | 21.379 |
| 1 | 2 | 1 | 1 | 1 | 0 | 0.863 | 0.137 |
| 1 | 2 | 1 | 2 | 2 | 3 | 3.727 | 1.273 |
| 1 | 2 | 2 | 1 | 1 | 0 | 0.908 | 0.092 |
| 1 | 2 | 2 | 2 | 10 | 4 | 11.479 | 2.521 |
| 2 | 1 | 1 | 1 | 8 | 2 | 8.268 | 1.732 |
| 2 | 1 | 1 | 2 | 97 | 41 | 94.994 | 43.006 |
| 2 | 1 | 2 | 1 | 88 | 15 | 90.774 | 12.226 |
| 2 | 1 | 2 | 2 | 198 | 57 | 197.525 | 57.475 |
| 2 | 2 | 1 | 1 | 4 | 0 | 2.996 | 1.004 |
| 2 | 2 | 1 | 2 | 26 | 20 | 26.688 | 19.312 |
| 2 | 2 | 2 | 1 | 6 | 3 | 7.406 | 1.594 |
| 2 | 2 | 2 | 2 | 31 | 12 | 29.350 | 13.650 |
| 3 | 1 | 1 | 1 | 11 | 6 | 12.845 | 4.155 |
| 3 | 1 | 1 | 2 | 154 | 108 | 154.224 | 107.776 |
| 3 | 1 | 2 | 1 | 131 | 20 | 125.011 | 25.989 |
| 3 | 1 | 2 | 2 | 338 | 161 | 344.340 | 154.660 |
| 3 | 2 | 1 | 1 | 21 | 12 | 21.754 | 11.246 |
| 3 | 2 | 1 | 2 | 115 | 124 | 112.899 | 126.101 |
| 3 | 2 | 2 | 1 | 38 | 15 | 39.781 | 13.219 |
| 3 | 2 | 2 | 2 | 174 | 120 | 171.141 | 122.859 |
| Total number of observations 2497 | | | | 1743 | 754 | | |

Odds Factors for Table IV

| | Number of Prior Convictions | Parole | Commitment Offense | Release Plan |
|---|---|---|---|---|
| No prior conviction | 3.269477 | | | |
| 1-2 prior convictions | 1.543675 | | | |
| 3 or more prior convictions | 1.000000 | | | |
| No Parole | | 1.598309 | | |
| Otherwise | | 1.000000 | | |
| Auto Theft | | | 0.642719 | |
| No Auto Theft | | | 1.000000 | |
| To live with spouse and/or children | | | | 2.160481 |
| Otherwise | | | | 1.000000 |

Base factor = 1.392988

PREDICTIVE ODDS FOR TABLE IV
Levels of Variables*

| Number of Prior Convictions | Parole | Commitment Offense | Release Plan | Odds | Salient Score for Four Items |
|---|---|---|---|---|---|
| 1 | 1 | 2 | 1 | 15.727 | 5 |
| 1 | 1 | 1 | 1 | 10.108 | 4 |
| 1 | 2 | 2 | 1 | 9.840 | 4 |
| 2 | 1 | 2 | 1 | 7.425 | 4 |
| 1 | 1 | 2 | 2 | 7.279 | 4 |
| 1 | 2 | 1 | 1 | 6.324 | 3 |
| 3 | 1 | 2 | 1 | 4.810 | 3 |
| 2 | 1 | 1 | 1 | 4.772 | 3 |
| 1 | 1 | 1 | 2 | 4.679 | 3 |
| 2 | 2 | 2 | 1 | 4.645 | 3 |
| 1 | 2 | 2 | 2 | 4.554 | 3 |
| 2 | 1 | 2 | 2 | 3.437 | 3 |
| 3 | 1 | 1 | 1 | 3.092 | 2 |
| 3 | 2 | 2 | 1 | 3.010 | 2 |
| 2 | 2 | 1 | 1 | 2.986 | 2 |
| 1 | 2 | 1 | 2 | 2.927 | 2 |
| 3 | 1 | 2 | 2 | 2.226 | 2 |
| 2 | 1 | 1 | 2 | 2.209 | 2 |
| 2 | 2 | 2 | 2 | 2.150 | 2 |
| 3 | 2 | 1 | 1 | 1.934 | 2 |
| 3 | 1 | 1 | 2 | 1.431 | 1 |
| 3 | 2 | 2 | 2 | 1.393 | 1 |
| 2 | 2 | 1 | 2 | 1.382 | 1 |
| 3 | 2 | 1 | 2 | 0.895 | 0 |

*Refer to Figure 1 for levels

Odds Factors for Table I

| | Number of Prior Convictions | Number of Prior Incarcerations | Commitment Offense | Release Plan |
|---|---|---|---|---|
| No prior conviction | 2.58534 | | | |
| 1-2 prior convictions | 1.29094 | | | |
| 3 or more prior convictions | 1.00000 | | | |
| No prior incarceration | | 1.73329 | | |
| 1-2 prior incarcerations | | 1.43246 | | |
| 3 or more prior incarcerations | | 1.00000 | | |
| Auto Theft | | | 0.62183 | |
| No Auto Theft | | | 1.00000 | |
| To live with spouse and/or children | | | | 2.09668 |
| Otherwise | | | | 1.00000 |

Base factor = 1.61229

## Model

The linear model[1] for estimating logarithms of $p_{ij}$, for our analysis where we fix and employ only the marginals, is

$$(1) \qquad \ell n p_{tk} = \mu + \alpha_t^T + \alpha_k^K + \alpha_{tk}^{TK}, \qquad t = 1, 2, \quad k = 1, 2$$

where $\ell n p_{ij}$ is the natural logarithm of $p_{ij}$. The constant $\mu$ is a general mean indicating the average value of $\ell n p_{ij}$. The parameter $\alpha^T$ indicates the "effect" on $\ell n p_{ij}$ of parole outcome independent of number of prior convictions; $\alpha^K$ measures the effect on $\ell n p_{ij}$ of number of prior convictions independent of parole outcome. The parameter $\alpha^{TK}$

---

[1] While we are asserting the model here, it can be developed by employing the minimum discrimination information index suggested by Kullback [3]. It is also discussed and applied by a number of authors, e.g., Goodman [2]. The monograph by Cox [1] asserts this model as an analytical approximation to normal theory linear models and provides much detail.

measures the interaction effect of parole outcome and number of prior convictions on $\ell np_{ij}$. For the first example cited, where all the $p_{ij}$ (and consequently all the $\ell np_{ij}$) are equal, $\alpha^T$ and $\alpha^K$ are zero since $\ell np_{ij}$ does not vary with either parole outcome or number of prior convictions; and for this reason, too $\alpha^{TK}$ is zero. Hence, $p_{tk}$ is equal to the anti-log of $\mu$, which in this case is the overall probability that recidivism occurs.

The model in (1) allows the step-by-step computation of cell probabilities similar to regression analysis. For example, if parole outcome is considered as a function of number of prior convictions, the odds of recidivism (t = 1) to parole success (t = 2) for a given number of prior convictions are $\frac{p_{1k}}{p_{2k}}$, say $\begin{array}{l} k = 1 \text{ for one or more prior convictions,} \\ k = 2 \text{ for zero prior convictions.} \end{array}$

Using the model in (1) to obtain these odds in logarithmic form (denoted hereafter as the log odds), we get

(2) $$\ell n \frac{p_{1k}}{p_{2k}} = (\mu + \alpha_1^T + \alpha_k^K + \alpha_{1k}^{TK}) - (\mu + \alpha_2^T + \alpha_k^K + \alpha_{2k}^{TK}) = 2\alpha_1^T + 2\alpha_{1k}^{TK}$$

where $\alpha_1^T = -\alpha_2^T$ and $\alpha_{1k}^{TK} = -\alpha_{2k}^{TK}$.

Since the $\alpha$ parameters measure deviations from a general mean, a deviation from the mean at one level leads to a deviation in the opposite direction at the other level. Replacing $2\alpha_1^T$ and $2\alpha_{1k}^{TK}$ by $\beta^T$ and $\beta_k^{TK}$ simplifies the notation in (2) and yields

(3) $$\ell n \frac{p_{1k}}{p_{2k}} = \beta^T + \beta_k^{TK}$$

where k = 1 for one or more prior convictions, and k = 2 for zero prior convictions. From (3) the log odds of recidivism to parole success are seen to depend on $\beta^{T}$, the general mean for the log odds, and $\beta^{TK}$, the relationship between number of prior convictions and parole outcome.

To further illustrate these ideas, let us extend this example. Assume that occurrence of recidivism is dependent on two variables: number of prior convictions, L, and the absence or presence of auto theft in commitment offense, D. Then $p_{t\ell d}$ represents the probability that a specified parole outcome results given number of prior convictions and offense status. Following the previous example, the logarithm of the odds of recidivism to parole success as a function of the predictor variable can be written as

$$\text{(4)} \qquad \ell n \frac{p_{1\ell d}}{p_{2\ell d}} = \beta^{T} + \beta^{TL}_{\ell} + \beta^{TD}_{d} + \beta^{TLD}_{\ell d}$$

Each one of the $\beta$ parameters has the same interpretation given previously. $\beta^{T}$ is a general mean for the log odds. The $\beta^{TL}_{\ell}$, $\ell = 1$ (one or more prior convictions), $\ell = 2$ (zero prior convictions) are numerical measures of the association of number of prior convictions on parole outcome. Similarly, the $\beta^{TD}_{d}$ are numerical measures of the association of commitment offense and parole outcome where the subscript identifies offense, d = 1 (auto theft), d = 2 (no auto theft). The parameters $\beta^{TLD}_{\ell d}$ are interaction terms. It may be, for example, that non-auto theft may influence the parole outcome of one or more prior conviction prisoners differently than that of zero prior conviction prisoners. For example, non-auto theft prisoners may be less common among prisoners with one or more prior convictions, and the latter may tend to have more parole violations. Hence the chance for recidivism may be greater among members of this group than would be indicated by adding the separate effects of commitment offense and number of prior convictions. The presence of a joint interaction effect of number of prior convictions and commitment offense on recidivism implies a non-zero $\beta_{11}^{TLD}$.

By exponentiation of each side of the log-linear model (4), the odds of recidivism to parole success (hereafter referred to simply as the odds of recidivism) can be written in the form

$$\frac{P_{1\ell d}}{P_{2\ell d}} = \delta^{T} + \delta_{\ell}^{TL} + \delta_{d}^{TD} + \delta_{\ell d}^{TLD} \tag{5}$$

where the $\delta$'s are the anti-logs of the $\beta$'s. In this form of the model $\delta^{T}$ can be interpreted as the overall mean odds of recidivism which is modified by more detailed conditional information about the levels or values of the predictor variables and their interactions.

For the full model incorporating all the variables described previously, the odds of recidivism become

$$\frac{P_{1\ell druok}}{P_{2\ell druok}} = \delta^{T}\,\delta_{\ell}^{TL}\,\delta_{d}^{TD}\,\delta_{r}^{TR}\,\delta_{u}^{TU}\,\delta_{o}^{TO}\,\delta_{k}^{TK}\,\delta_{\ell d}^{TLD}\ldots,\delta_{\ell dk}^{TLDK}\ldots. \tag{6}$$

where say R is age at first commitment (r = 1, juvenile;

r = 2, adult); U is drug history of prisoner (u = 1, history; u = 2, no history); O is educational record (o = 1, did not complete 12th grade; o = 2, otherwise); K is release plan (k = 1, not with spouse or children; k = 2, otherwise); etc. and $\delta_{\ell d}^{TLD}$, ... take into account first order interaction effects, $\delta_{\ell dk}^{TLDK}$, ... second order interaction effects, etc.

For the full model, when prisoner profile data have been compiled, the overall odds $\delta^T$ may provide an estimate (purely hypothetical) $\hat{\delta}^T = e^{\hat{\lambda}^T} = e^{-1.1} = \frac{1}{3}$,

that is, the odds are 1/3 to one in favor of recidivism[2]. If the odds of recidivism are desired for prisoners with one or more prior convictions, we might compute (once again, hypothetically) $\hat{\delta}^T \hat{\delta}_1^{TL} = (1/3)\,(1.50) = .50$.

Thus, the odds of a recidivism increase from .25 to .50 for prisoners with one or more prior convictions.

The calculation can be extended, for example, to prisoners with one or more prior convictions who are in prison for auto thefts. If these independent variables entered linearly in the model, the estimated odds for recidivism would be given by $\hat{\delta}^T\ \hat{\delta}_1^{TL}\ \hat{\delta}_1^{TD}$, but since commitment offense and number of prior convictions may interact jointly on recidivism, the odds of recidivism may be given by (hypothetical illustration)

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[2] Note that this is not the odds that would be computed directly from the observations, but rather from their logarithmic transforms, then averaging, then transforming back to the odds domain. Thus, this "mean odds" is a multiplicative mean, not an additive mean.

$$\hat{\delta}^{T}\hat{\delta}_{1}^{TL}\hat{\delta}_{1}^{TD}\hat{\delta}_{11}^{TLD} = (.25)(2.00)(1.40)(1.60) = 1.12\,.$$

where the last term measures the interaction effect of number of prior convictions and commitment offense. Note, the odds of recidivism for auto theft prisoners with one or more prior convictions could have been underestimated if the first order interaction effect had been omitted from the calculation. As a final illustration of how the odds of recidivism can be computed for prisoner profiles now characterized by a larger number of variables, we show (hypothetically) the estimated odds of recidivism when we include juvenile offenders who did not complete the 12th grade, use drugs, do not have a release plan including spouse, are in prison for auto theft and have one or more prior convictions. We have added four variables here: age at first commitment, drug history, educational record, release plan; and in addition, the interaction of number of prior convictions (L) and release plan (K). The subscript 2 on K is for release plan not including spouse, the subscript 1 on R and U is for juvenile at first commitment and active drug history, respectively.

$$\hat{\delta}^{T}\hat{\delta}^{TL}\hat{\delta}^{TD}\hat{\delta}_{11}^{TLD}\hat{\delta}_{1}^{TR}\hat{\delta}_{2}^{TO}\hat{\delta}_{1}^{TU}\hat{\delta}_{2}^{TK}\hat{\delta}_{12}^{TLK}$$
$$= (.25)\,(2.00)\,(1.40)\,(1.60)\,(1.50)\,(1.50)\,(1.25)\,(1.25) = 3.93\,.$$

The odds of recidivism for this group of prisoners is 3.93 to one compared to 1/3 to one over all prisoners. Notice that in this calculation another second order interaction, that of age at first commitment and number of prior convictions ($\hat{\delta}^{TLK}_{12}$), is of sufficient importance to warrant inclusion in the model.

As can be seen from these hypothetical illustrations, the estimation of a small number of $\delta$'s permits the computation of odds of recidivism for prisoners with very diverse characteristics. It should be noted that as in the case of regression analysis, the coefficients of the linear model (4) (and consequently the $\delta$'s in (6)) show the effect of a change in a variable holding all the other variables constant. Thus, $\hat{\delta}^{TL}_{\ell}$ measures the direct effect number of prior convictions on the odds of recidivism. If an indirect effect with commitment offense is also present, this is measured by $\hat{\delta}^{TLD}_{\ell d}$. Both the direct and indirect effects of number of prior convictions are net of the effects of other variables such as age at first commitment, drug history, educational record, etc. That is, the effects of variation in the latter variables on the odds of recidivism are taken into account in the computation of $\hat{\delta}^{TL}$ and $\hat{\delta}^{TLD}_{d}$.

Given the odds of recidivism for prisoners with a given set of characteristics, it is a simple matter to compute the probability of recidivism for that group from the relationship

$$(7) \qquad \text{Odds of recidivism} = \frac{\text{probability of recidivism}}{\text{probability of parole success}}$$

or

$$(8)\quad \text{Probability of recidivism} = \frac{\text{odds of recidivism}}{1 + \text{odds of recidivism}}$$

Thus, if the odds of recidivism are 1/3 to one, the probability of recidivism is $p = \frac{1/3}{1 + 1/3} = .25$; when odds are 3.93 to one, we get

$$p = \frac{3.93}{1 + 3.93} = \frac{3.93}{4.93} = .80$$

Thus, the unconditional probability of .25 for recidivism increases to .80 for the prisoner whose first commitment was as a juvenile, is in prison for auto theft, has a drug history, did not complete 12th grade, and has a release plan that does not include a spouse. This suggests that a wide range of probabilities, given certain prisoner characteristics, occurs in this hypothetical illustration. In a realistic situation, something similar may be expected, thus producing a rich and interesting study and we investigate this in the next section for our prisoner data.

In these calculations, it is important to distinguish between individual $\delta$'s referred to as "odds factors" (e.g., $\delta^{TL}$, $\delta^{TD}$, $\delta^{TLD}$) which indicate how the overall mean chance of recidivism odds, $\delta^{T}$, is modified and the product of $\delta$'s (e.g., $\delta^{T}\ \delta^{TL}\ \delta^{TD}\ \delta^{TLD}$) which measures the odds of recidivism for prisoners with a specified set of characteristics. Since (8) converts the odds of recidivism for a given group of prisoners to the probability of recidivism for that group, it cannot be applied to the individual $\delta$'s.

The above discussion makes clear that a large number of parameters may enter the contingency table model, thus raising the problem of identifying which variables and interactions are to be included in a model and which are to be excluded. Statistical distribution theory and a measure I*, which is similar to $R^2$, the multiple correlation coefficient in regression analysis, are used to resolve this problem. A description of this model is given in this Appendix.

In regression analysis, the explanatory value of a set of predictor variables is measured by the percentage of variation in the dependent variables explained by the predictor variables. The base measure of variation in regression analysis is the sum of squares about the mean of the dependent variable, i.e., $\Sigma(Y_i - \overline{Y})^2$. As predictor variables are added to the model, the predicted values of the dependent variable $\hat{Y}_i$, are used to measure the amount of variation, $\Sigma(Y_i - \overline{Y})^2$, explained. The percentage of base variation explained is then

$$100\,R^2 = 100\,\frac{\Sigma(Y_i - \overline{Y})^2 - \Sigma(Y_i - \hat{Y}_i)^2}{\Sigma(Y_i - \overline{Y})^2}\,.$$

One method of measuring the contribution of any particular variable is the change in $R^2$ when that predictor variable is added to the model.

For contingency tables, the base measure of variation is computed either as the chi-square statistic[3]

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[3] The symbol O stands for the observed cell count and E the estimated cell count. The summation is over all cells in a table.

$$\Sigma \frac{(O - E)^2}{E}$$

or the information measure

$$2 \, \Sigma O \, \ell n \frac{O}{E}$$

under the hypothesis that all $\beta$ parameters in (4) except the general mean are zero. I* is then the percentage of base variation explained by the introduction of some collection of $\beta$ parameters into the model, i.e.,

$$I^* = \frac{\left(\Sigma O \, \ell n \frac{O}{E}\right) \text{Base} - \left(\Sigma O \, \ell n \frac{O}{E}\right) \text{Model}}{\left(\Sigma O \, \ell n \frac{O}{E}\right) \text{Base}}$$

In practice, an I* of 70 percent or better is desired. Sometimes a lower value is acceptable because increasing I* requires the addition of many interaction parameters with the consequent difficulty of interpretation. The prime objective is to find the most important parameters. When the number of observations is large as is the case in this study, parameters signifying marginal impact will be statistically significant. A convention adopted sometimes is that of excluding parameters when they increase I* by less than two percentage points.

I would like to thank Dr. Rahman Azzari for his aid in programming the computations.

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## APPENDIX B

# The Development and Operation of Parole Decision Making Guidelines in Minnesota[1]

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## Origin of the Guidelines

In 1973, the Minnesota Legislature abolished the state's two part-time parole boards, one with jurisdiction over juveniles and youthful offenders, the other with jurisdiction over adult offenders. Juvenile parole releasing decisions were vested in the Department of Corrections, and the Minnesota Corrections Board (MCB), was established with jurisdiction over youthful offenders (age 18-21) and adults. The MCB consists of four full-time members appointed by the Governor, with senate confirmation, to staggered six year terms and a full-time Chairman appointed by the Commissioner of Corrections to serve at his pleasure. While the five members had substantial experience in corrections and law enforcement, none had prior experience in parole decision making. The MCB came into existence January 1, 1974.

The MCB must approve any release of an inmate from state correctional institutions--via parole, medical parole, temporary parole (furloughs) or work release, and has responsibility for the parole revocation process. The guidelines discussed in this paper govern only the parole releasing function. By law, the MCB must review annually the case of every person confined in correctional institutions or on parole. In 1974, the MCB made over 5,000 decisions in these various categories.

Minnesota's 1963 Criminal code vests broad discretion in the paroling authority. The public purposes stated in that law are: (a) to protect the public, (b) to deter crime, and (c) to rehabilitate offenders. For most offenses, the Code provides an indeterminate sentence (zero to the statutory maximum, less good time) with the paroling authority having discretion to release at any time. First degree murder, certain crimes committed with weapons, and second conviction of selected sex and drug offenses carry mandatory minimum sentences. Neither the law creating the MCB nor the 1963 Criminal Code provide goals or criteria to guide the Parole Board in making releasing decisions.

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[1] This project was funded by grant number 4515012674 awarded by the Governor's Commission on Crime Prevention and Control, St. Paul, Minnesota.

In 1973, Legal Assistance for Minnesota Prisoners (LAMP) filed a suit against the then part-time adult parole board, contending that the absence of criteria for parole decisions resulted in an arbitrary and capricious exercise of discretion.

The following factors, then, contributed to the development of the guidelines:

1. the absence of prior parole decision making experience by members of the new full-time board and thus, their willingness to consider alternative methods of exercising their discretion;

2. the broad discretion conferred by the Legislature, unguided by statutory guidelines or criteria;

3. the possibility of federal court intervention.

Accordingly, in February, 1974--one month after they came into existence--the MCB submitted a grant to the Governor's Commission on Crime Prevention and Control to assist the Board in the development of decision making guidelines. The grant was funded and became operational in October, 1974.

## Analysis of MCB Decision Making

Parole decision making guidelines must be responsive to the operational goals of the agency making the decisions, and consistent with the public policy of the state, as reflected in the goals and procedures of statutes relevant to parole decision making. Since these factors differ from state to state, no single model of decision making guidelines can serve all states.

The project's first task was to determine the operational goals which guided the parole decision making process of the Minnesota Corrections Board. When the project started, the MCB had been making parole decisions for only ten months. Due to lack of project resources, the short time span within which to develop operational guidelines, and the rather brief--and possibly non-representative--history of MCB decision making, we did not attempt a systematic empirical analysis of MCB decision making. Rather, we discussed MCB goals with members (individually and in groups) and observed the decision making process--both the parole hearing itself and the information flow and analysis that precedes the hearing.

From this assessment, we concluded that:

1. the Board consciously attempts to consider the goals of the 1963 Criminal Code in arriving at parole decisions. The Board places primary emphasis on public protection, secondary emphasis on deterrence, and tertiary emphasis on rehabilitation;

2. to protect the public, the Board assesses the probability that an inmate, if paroled, would commit a new felony. If the MCB thinks the probability is high, they delay the release to reduce the period of time the inmate is "at risk" in the community;

3. to deter crime, the MCB increases the period of incarceration in direct proportion to the severity of the offense;

4. to further rehabilitation, the MCB releases earlier those inmates who make constructive use of the time they are incarcerated --e.g., participating in vocational or on-the-job training, educational or treatment programs;

5. the MCB consciously tries to make "equitable" decisions--that is, treat similar inmates in similar ways;

6. the MCB views the parole hearing as an information verification process. That is, the decision to grant or deny parole is based on information available to the MCB before the hearing, and not on the "performance" of the inmate during the hearing.

From this assessment, we concluded first, that guidelines for the MCB must be based on risk of failure on parole, severity of the committing offense, and inmate conduct and performance in the institution. Secondly, the guidelines should assure that similar inmates are incarcerated for similar periods of time. Third, to the extent that risk of failure and severity of offense are known at an inmate's admission, and to the extent the parole hearing serves to verify information, it would be possible to develop guidelines which assign approximate release dates shortly after admission. Such a practice would reduce inmate anxiety by providing a certain release date, would minimize "game playing" by inmates seeking early release, and would allow more rational planning for the use of time incarcerated.

While several guideline models were considered, we concluded that the model used by the United States Parole Commission, with some variations, was consistent with the decision making practices of the MCB and with Minnesota statutes governing the sentencing and parole of inmates.

## Development of Guidelines

### Risk of Failure

The MCB decided that an empirical parole prediction instrument would (a) facilitate the equitable treatment of inmates, and (b) assist the Board in assessing risk of failure. The Board clearly understood that such an instrument gave group and not individual predictions, and was to be used as an aid to their "clinical" judgment. Accordingly, the MCB required that the guidelines allow the Board to "override" the prediction instrument in specific cases.

The parole prediction study was conducted following standard parole prediction procedures. A random sample of 1,000 persons, age 18 and over was selected from all those paroled in 1971 and 1972--this constituted approximately two-thirds of all paroles during the period. This sample was then randomly assigned to a construction sample and a validation sample of 500 each.

Selection of a Definition of Failure. Defining recidivism is a thorny problem, which is complicated further by requirements of prediction methodology, and by conditions unique to individual jurisdictions. The criteria to be predicted (in this case, failure on parole) must occur with enough frequency to minimize the identification of false positives. A definition of failure which resulted in only five to ten percent of the sample failing would result in a large number of false positives--persons predicted to fail, but who, in fact, succeed. A definition which results in a 50 percent failure rate is ideal, while a 30 percent failure rate is a conventional lower limit, unless statistical techniques are applied to "correct" for the low failure rate.

The MCB wanted a definition of failure which was clearly verifiable, and which was closely related to the activity from which the public most deserved protection--namely, new felonious criminal behavior. Accordingly, we defined failure as a new felony conviction within two years of the date of parole. We found that 29 percent of our sample of 1,000 failed by this criteria, which satisfied the requirements of prediction methodology. A conviction also served, to some degree, to verify that new criminal behavior had in fact occurred, whereas failure defined as arrest would not.

Such a definition of failure may not be appropriate for other states. Uniform Parole Reports indicates that nationally the two year reconviction rate for new major crimes is 7-8 percent. Generally, the lower the rate of incarceration among the states, the higher the felony reconviction rate. That is, where a small proportion of convicted felons go to prison, more "good" risks are retained in the community, and more "poor" risks are sent to prison. Minnesota has the second lowest rate of incarceration in the nation.

We selected the two year follow-up period because:

a. the majority of parole failures--however defined--occur within the first six months of release;

b. most parolees in Minnesota are discharged after two years of successful parole adjustment;

c. comparability between the group on which the prediction instrument was developed and those to whom it is applied must be maximized and longer follow-up periods necessarily reduce comparability;

d. the MCB felt two years was a reasonable period of accountability to the public for the success or failure of persons paroled.

Selection of Predictor Variables. Predictor variables were selected in the following manner. We reviewed the literature on parole prediction studies during the last twenty years, noting categories of variables found to be significant predictors. We took these categorical variables and defined specific variables based on information generally available in the inmates' base files. For example, for the categorical variable "employment stability," our specific variables were: (a)number of jobs held during the last two years of community living, and (b) longest job held (in months) during the last two years of community living.

This process resulted in development of 50 predictor variables, in the following categories:

1. Juvenile Record
2. Adult Criminal Record
3. Current Committing Offense(s)
4. Current and Prior Institutional Disciplinary Record
5. Social History Information
    a. Marital Status
    b. Employment Stability
    c. Family Criminality
    d. Education
    e. Drug and Alcohol Use
6. Demographic Variables
    a. Age
    b. Race
    c. Sex

Methods Used. Prediction instruments were constructed using two different methods: (a) regression methods--which assign a weight to each item selected in proportion to the amount of variance in outcome explained by that item; and (b) "Burgess" methods--which assign equal weight to each item selected. After reviewing the utility of these instruments, we selected an unweighted Burgess instrument because:

a. its predictive power was equal to or greater than the different regression instruments;

b. it was more stable over time;

c. it was less subject to "error" resulting from missing or erroneous information.

Basically, the Burgess method correlated each of the fifty predictor variables with failure on parole. Those variables with statistically significant relationships were dichotomized at a point which maximized discrimination between parole successes and failures. We then constructed a number of prediction instruments using different numbers of dichotomized variables, attempting to achieve a balance between brevity (a practical concern when applying the instrument) and predictive power.

The prediction instrument consists of six items which are answered "yes" or "no," and the number of "yes" responses is totalled to arrive at the risk score. The six items are:

1. The inmate has a prior conviction for exactly the same offense title as any offense for which the inmate is now under sentence.

2. The inmate was 19 or younger at the time of the first felony conviction.

3. The inmate has a total of three or more felony convictions, including all convictions under the current sentence.

4. The inmate has one or more prior adult commitments to state correctional institutions.

5. The inmate has two or more prior probation or parole failures as an adult.

6. The inmate's current sentence includes one or more burglary convictions.

Risk scores may range from zero to six. The predicted group's failure rates associated with these scores are:[2]

| Number of "Yes" Responses | 0 | 1-2 | 3-4 | 5 | 6 |
|---|---|---|---|---|---|
| Predicted Group Failure Rate | 11% | 29% | 35% | 49% | 63% |

Thus, an inmate with five yes responses is a member of a group of which 49 percent are predicted to be convicted of a new felony within two years of parole.

The risk of failure score forms the horizontal axis of the parole release date matrix (see Figure D.1).

Ranking Offense Severity

The MCB decided that statutory maximum sentences, by themselves, were not sufficient to determine the severity of the committing offense, due to a disparity between the type of offender for whom the maximum was apparently intended, and the type of offender most frequently coming before the Board committed for that offense. Accordingly, the Board ranked the severity of offense behavior, relevant actions by the offender frequently accompanying the commission of a criminal act. Again, interviews with members indicated that the following behaviors were important in assessing the severity of an offense:

1. whether or not a weapon was used;
2. whether or not the victim was injured;
3. the vulnerability of the victim, principally in terms of crimes committed against very young or very old victims;
4. high versus low property loss.

We constructed five decks of cards (one for each Board member) with each deck containing one card for each possible combination of offense title and the above factors. The decks were shuffled, and each Board member was told to arrange his or her deck from most to least severe offense behavior, to assign a score of 100 to the most severe card, and to score every other card in relation to the most severe. We conducted a regression analysis on this data and found that offense title was the dominant factor for three members, and that offense title, weapon use, and injury were the dominant factors for the other two members. Since offense title (that is, statutory offense definition) normally includes the presence or absence of injury or weapon use, we repeated the exercise using only statutory offense title.

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[2] Construction sample, $r = .26$;
Validation sample, $r = .20$.

Using the second exercise, we constructed an aggregate ranking for each item, dividing offenses into nine categories of severity.

We invited district court judges to participate in a replication of the exercise to determine if MCB perceptions of offense severity differed significantly from those of judges. Three of the ten judicial districts agreed to participate. In general, we found strong agreement (90% - 96%) between the rankings given by the Board and the judges, with no consistent patterns of disagreement emerging.

The offense severity ranking is the vertical axis of the parole release date matrix (see Figure C.1).

Determination of Guideline Times

The MCB's guidelines use risk of failure (five categories) and severity of committing offense (nine categories) to define the two axes of the parole release date matrix. The matrix thus contains 45 cells. To determine appropriate time to be served before parole for each cell, we selected a random sample of inmates paroled in 1974 and 1975 by the MCB, scored each on both risk of failure and severity categories, and determined the time served until parole. We arrayed this sample into the 45 cells, and for each cell, computed the average time served until parole. Since the MCB did not want the guidelines to have an independent effect on institutional population levels, we tried to match, as closely as possible, guideline times to average time served in the past for each of the 45 cells.

Thus, the upper limit figure (where a range is present), or the single figure (where no range is given) in each cell of the matrix is a close approximation of average time served in 1974 and 1975 by inmates with that level of risk and severity.

## Rehabilitation--MAP Contracts

As discussed earlier, the Board approaches the goal of rehabilitation by rewarding constructive use of time incarcerated via shortened period of incarceration. The Board decided to formalize this procedure with the use of Mutual Agreement Program (MAP) contracts. MAP contracts are legally binding agreements between the inmate, the institution, and the MCB, where the inmate agrees to accomplish certain objectives, the institution agrees to provide resources needed to accomplish them, and the MCB agrees to parole the inmate on a specified date upon prior completion of the objectives.

The Board decided to limit MAP contract eligibility to persons committed for crimes against property during the "pilot phase" of the MAP program, with eligibility extended to other offenses within one year if the MAP experience proves successful.

Thus, the Parole Release Date Matrix contains a range of time for property offenses (generally, severity levels I, II, and III). The lower figure in the range represents the maximum reduction in release date upon satisfactory completion of a MAP contract. The actual release date assigned to inmates initiating MAP contracts will be somewhere within the range given by the guidelines, depending upon the degree of the effort needed to complete the contract. Whatever lower limit release date is assigned, it is a guaranteed parole date upon prior completion of the MAP contract, good institutional behavior, and a satisfactory reentry plan. The upper figure in the time range is a guaranteed parole date with non-participation or non-completion of a MAP contract, with good institutional behavior, and a satisfactory reentry plan.

The "reward" for constructive use of time incarcerated generally ranges from six to ten months for most inmates currently eligible for MAP contracts.

## Departure from the Guidelines

The Board does not apply the guidelines mechanically, since differences in offenders and offenses require the Board to exercise discretion to arrive at appropriate periods of incarceration in individual cases. At the hearing, the MCB considers all available information about the inmate and the offense, to determine if important aggravating factors are present. If such factors are found, the MCB may depart from the guidelines and assign a time they feel is appropriate. However, they must provide the inmate with a written statement of the reasons for this departure.

A copy is also given to the project director, who prepares quarterly reports on departures to the MCB and the Department of Corrections. This report serves two functions: (a) it assures that similar future cases will receive similar treatment; and (b) where departures occur frequently for certain categories of inmates or under certain conditions, it indicates problem areas in the guidelines which deserve re-examination.

## Implementation of the Guidelines

The MCB recognized that a thorough implementation process was essential to the effective operation of the guidelines. The implementation process was divided into three phases: (1) Orientation session for important officials; (2) Training programs for institutional staff; and (3) Dissemination of information for criminal justice officials and the public.

Pre-implementation orientation meetings were held with (a) the Governor, (b) relevant legislative committees, (c) the Commissioner of Corrections and his top deputies, and (d) institutional wardens and chief administrators. These sessions provided an overview of the origin, development, and content of the guidelines and allowed interchange between MCB members, project staff, and the audience.

Training for institutional staff was divided into pre-implementation and in-service programs, directed primarily at caseworkers. A one-day pre-implementation training session was devoted to a detailed explanation of the development and content of the guidelines, and simulation exercises in completing the risk of failure worksheet.

In-service training had two components: (a) continuing liaison with institutional staff, and (b) "feedback" sessions. Each institution designated one staff person to whom caseworkers would take questions regarding completion of risk of failure worksheets. If this individual could not answer the question, they would contact project staff. This freed project staff from fielding large numbers of repetitive questions and developed expertise more quickly within each institution. Prior to the feedback sessions, caseworkers completed questionnaires to identify the major problems they were encountering. Results were summarized and presented to the MCB and possible solutions were discussed. At the feedback sessions analysis of experience with the guidelines was presented to caseworkers, and solutions to problems identified by caseworkers were discussed.

The third phase, information dissemination, began after implementation. We felt the guidelines would allow all participants in plea negotiations to exercise their discretion in a more enlightened manner, but only if all parties to the process were familiar with the guidelines. Project staff drafted a short paper describing the origin, development, content, and expected benefits of the guidelines, and copies were mailed to all district court judges, prosecutors, public defenders, and probation and parole officers in the state. In addition, project staff gave presentations to an annual meeting of district court judges, to prosecutors and defenders in major counties, and to all probation and parole agents in a series of regional meetings.

## Sample Application of the Guidelines

When an inmate is admitted, the caseworker completes the risk of failure worksheet, using the pre-sentence investigation and existing departmental record, if any. A copy is given to the inmate and if the accuracy of any information is challenged, the caseworker verifies it.

The initial hearing normally is held within 60 days of admission. Ten days before the hearing, the MCB receives copies of the risk of failure worksheet and the institutional case summary. At the initial hearing the MCB determines the guideline time indicated by the risk of failure score and severity level of the offense. The MCB considers all additional information to determine if significant aggravating or mitigating factors are present.

If such factors are found, the MCB departs from the guidelines and assigns a release date deemed appropriate and consistent with past treatment of similar cases. They also give the inmate a written statement specifying why they departed. If reasons for departure are not present, the MCB assigns a release date based on guideline time.

Where the guidelines provide a time range, the "upper limit" release date is a guaranteed parole date so long as the inmate: (a) is not convicted of a "major" disciplinary code violation, and (b) presents a satisfactory reentry plan. Major disciplinary violations include those behaviors in the institution which would be felonies or assaultive misdemeanors in the free community. The inmate is told that if such major disciplinary convictions occur, the assigned release date is in jeopardy.

Inmates eligible for and wanting a MAP contract also are assigned a "lower limit" release date, which is a guaranteed parole date upon prior completion of a MAP contract, absence of major misconduct convictions, and a satisfactory reentry plan. The MCB outlines its general expectations for the MAP contract (e.g., complete a vocational program, compile a good work record in prison industries, etc.) and refers the inmate to staff for contract development. Within two months, a contract ratification hearing is held. Failure to complete a MAP contract cancels the lower limit release date, but has no effect on the upper limit date assigned. Thus, inmates have nothing to lose by initiating a MAP contract.

The guidelines do not restrict inmate eligibility for medical paroles, special reviews, or temporary paroles during their incarceration.

Two months before the release date, the MCB holds a reentry hearing, and approves or rejects a general reentry plan developed by the inmate and staff. If rejected, the MCB gives written reasons and suggestions for restructuring. If approved, the inmate and staff develop a specific reentry plan, specifying residence, employer, etc. The MCB reviews the specific plan ten days before the release date and if consistent with the general reentry plan, grants parole effective on the release date. If not consistent, the MCB gives written reasons and continues the case until the inconsistencies are removed.

## Benefits of the Guidelines

### Certainty of Release Date

After two months, the inmate has a certain release date and knows the extent to which that date can be reduced, and what it will take to reduce it. The inmate can decide if the reduction is worth the effort, and if it is not, can reject MAP participation without affecting the upper limit release date. Thus, coerced programming or treatment have not been eliminated, but the degree of coercion--that is, the reduction for MAP completion--has been limited and the inmate is given information on which to assess his or her options and to make a more rational decision.

## Increased Effectiveness of Institutional Planning

Certain release dates facilitate inmate and staff planning for the use of institutional programs and resources. If an inmate has an 18 month lower limit release date and a MAP contract calling for completion of a ten month welding program at another institution, all parties know well in advance that the inmate must be transferred by the eighth month of incarceration.

In addition, the guidelines facilitate reentry planning. Under the previous system, caseworkers prepared a reentry plan--including specific job placements and living arrangements--every time the institutional classification team recommended parole to the MCB. Frequently the MCB would not grant parole, resulting in a waste of caseworker time and an unnecessary "drain" on community resources. This, in turn, reduced staff morale, which affected the quality of reentry plan developed and further increased probability of parole denial. Under the guidelines, a single specific reentry plan is developed.

## Reduced "Game-Playing"

Inmates know that regardless of their behavior they will not be paroled before the lower limit release date. Thus, there should be less "game-playing" by inmates seeking to "con" the MCB into an early parole.

## Equity of Treatment

Inmates with similar risks and severity profiles will be assigned the same period of incarceration. Any differences in actual time served before parole will be the result of institutional conduct and accomplishments--factors over which the inmate has control. For departure cases, the MCB applies similar extensions or reductions when similar reasons for departure exist.

## Increased Certainty for Other Elements of the Criminal Justice System

For the first time, criminal justice officials have a clear idea of the effect of their discretionary decisions on the length of incarceration for those imprisoned. Since the impact of plea bargaining on time served will be clear to judges, prosecutors, defenders, and defendant, plea bargaining may be exercised in a more enlightened and responsible manner. (Project staff frequently receives telephone calls from prosecutors, defenders, or probation agents asking the effect of various plea bargaining or sentencing options on time served under the guidelines for specific cases before them.)

## Experience with the Guidelines to Date

The guidelines went into operation on May 1, 1976, at the State Reformatory and the following month at the State Prison. By February 1, 1977 we had nine months' experience with the guidelines at the Reformatory and eight months' experience at the Prison.

### Effect of the Guidelines on Rate of Parole and Institutional Populations

Since January 1, 1974--when the MCB became operational--institutional populations have varied directly with the rate of release on parole, with institutional commitments remaining fairly constant. During 1974, the MCB released 909 parolees, and adult institutional populations reached a low average daily population of 1,220 in October. During 1975, 606 inmates were paroled, a reduction of 33 percent, and average daily adult population reached 1,649 by December. When the guidelines went into effect in May, 1976, average daily population was 1,690.

We expected that the MCB guidelines would increase the rate of release on parole by reducing the variance in time served until release. Thus, anyone in the institutional population who had served more than their guideline time (or who would have served more than the guideline time by their next annual review) was eligible for a special review for release when they had served the guideline time.

We found, in fact, that there was a marked increase in the rate of parole after the implementation of the guidelines. During the 12 months preceding implementation, the MCB paroled an average of 51 inmates per month. Since implementation, the MCB has paroled an average of 75 inmates per month, a 47 percent increase.

In 1976, the MCB released 774 inmates, an increase of 27 percent over 1975 levels. We projected that if the guidelines had been in effect for the entire year, the MCB would have paroled about 900 inmates in 1976, only slightly below the actual number of 1974 paroles granted.

The guidelines have slowed the rate of population increase. The average increase in average daily population during the 12 months preceding implementation was 15.4 inmates per month. Since implementation, the average increase has been 1.7 inmates per month. In December, 1976, the average daily population was 1,702, only 12 above the average daily population at implementation. This suggests that the rate of release under the guidelines is very close to the rate of commitment.

The MCB has been criticized for their variation in release rate from 1974 to 1975. Critics have charged that the Board--influenced by a "get-tough" public opinion--had become increasingly conservative in releasing practices, demonstrating that parole decision-making was "political," in the broad sense of the word. While it is too early for conclusive statements, it appears that the guidelines have tended to stabilize rates of release, and thus remove the grounds for such criticisms.

## Rates of Departure Under the Guidelines

How often should parole boards depart from their guidelines? Clearly, there is no "right" answer to this question. If departures are frequent, it could be argued that the guidelines are a sham, providing a "front" behind which the parole board continues to engage in arbitrary and capricious decision making. If the board seldom departs they could be accused of being "mechanistic," or failing to inject "humanity" into the process via their clinical judgment.

The experience of the Board during the first eight months of guideline operation is summarized in Table C.1. The Board departed from the guidelines in 16.6 percent of the cases, a figure comparable to the experience of the United States Parole Commission.

From May 1, 1976 until January 15, 1977, the MCB assigned release dates to 958 inmates. Of these, 159, or 16.6 percent, were departures from the time indicated by the guidelines. Table C.1 indicates the reasons most frequently cited for departures (since the MCB sometimes gives more than one reason, the number of reasons in the table exceeds the total number of departure cases.)

Every three months, an analysis of departures is conducted. Three factors are examined: 1) the rate of departure; 2) the reasons for and directions and amounts of departures; 3) and the risk and severity levels of departure cases. These analyses are presented to the Board, and, if appropriate, changes in the guidelines are suggested. For example, if a particular reason for de-

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## Table B.1:Reasons Cited MCB For Departure From Guidelines, 4/1/76 through 1/15/77

| Inmate Factors | Number | Percent |
|---|---|---|
| Extensive Felony Record/ Habitual Offender | 26 | 10.6% |
| No Prison Record/Limited Criminal History | 22 | 8.9% |
| Numerous Probation/Parole Failures | 18 | 7.3% |
| Age/Health/Family Problems | 16 | 6.5% |
| Professional Criminal | 14 | 5.7% |
| Numerous Prior Incarcerations | 12 | 4.9% |
| Need For Treatment | 12 | 4.9% |
| Protection Of Society | 6 | 2.4% |
| Inmate Not A Danger To Society | 5 | 2.0% |
| Subtotal | 131 | 53.3% |
| **Community Factors** | | |
| Judge's Recommendation | 29 | 11.8% |
| Community Support Or Recommendations | 10 | 4.1% |
| Subtotal | 39 | 15.9% |
| **Offense Factors** | | |
| Circumstances of Offense (Aggravating) | 14 | 5.7% |
| Circumstances of Offense (Mitigating) | 14 | 5.7% |
| Severe Victim Loss/Injury | 5 | 2.0% |
| Accomplice Given Similar Sentence/Paroled | 5 | 2.0% |
| Subtotal | 38 | 15.4% |
| **Institutional Factors** | | |
| Disciplinary Convictions | 15 | 6.1% |
| Positive Institutional Behavior | 11 | 4.6% |
| Subtotal | 26 | 10.7% |
| **Other** | 12 | 4.9% |
| Total | 246 | 100.0% |

parture is used with great frequency, it might be desirable to amend the guidelines to deal with that situation.

If certain "cells" in the Matrix account for a disproportionate number of departures, it indicates that the guideline time in that cell may be inappropriate. After three months of operation, we found that low-risk aggravated robbers were often given less time than indicated by the guidelines. We checked 1974 and 1975 MCB releasing practices and found that the guideline times were about six months too high for this type of offender. Accordingly, the MCB reduced the guideline time and applied the reduction retroactively to low-risk aggravated robbers previously assigned release dates.

## Other Research Now in Progress

Currently, we are conducting research to deal with three additional issues. This research will be completed by mid-summer 1977, when funding for the project expires.

1. *To what extent have the guidelines reduced disparity in time served until parole for similar inmates?* Critics claim that parole boards contributed to the disparate treatment of offenders by incarcerating similar individuals for substantially different periods of time. Advocates counter that parole boards "even out" the disparities resulting from different plea bargaining and sentencing practices. While there is an element of truth in both positions, the advocates' claims become more credible if the paroling authority is operating under guidelines systematically designed to reduce disparate treatment.

To answer this question, we have selected a random sample of inmates paroled from January 1, 1974 until April 30, 1976, and collected information relative to risk level, severity level, and months served until parole. We will compare variance in time served until parole before and after guideline implementation, controlling for risk and severity level. We expect to find a reduction in the variance after implementation of the guidelines, an indication of reduction in disparity.

2. *Have the guidelines had any impact on inmate misconduct?* Critics of indeterminate sentencing have charged that uncertainty of release date and the tensions surrounding a parole hearing have contributed to inmate misconduct. If this is correct, providing the inmate with a certain release date--as well as revoking that date upon conviction for major misconducts--might provide

the inmate more incentive to avoid misconduct while incarcerated. Currently, project staff are analyzing institutional misconduct patterns before and after guideline implementation to determine if any significant changes attributable to the guidelines have taken place.

3. *Have the guidelines affected the number or nature of inmate complaints about parole?* To the degree that the guidelines result in more uniform and equitable parole decisions, inmate complaints may be reduced. On the other hand, articulated rules provide a basis for closer scrutiny of parole decision-making. Hence, it might be reasonable to expect no change or even an increase in inmate complaints about parole.

To address this question, we hoped to analyze parole-related inmate complaints to (a) the Ombudsman for Corrections, and (b) Legal Assistance for Minnesota Prisoners (L.A.M.P.). However, L.A.M.P. attorneys have refused access to their records, citing attorney-client privilege and pending litigation against the MCB. The Ombudsman for Corrections has permitted project staff to review their records under strict conditions to protect client anonymity. While this research in incomplete, it appears that the rate of parole-related complaints has been unaffected by the guidelines, but that since the guidelines became operational complaints are more specific, focusing on particular rules, procedures, information use, etc., associated with the guidelines.

Complete copies of the guidelines and the results of future research may be obtained by writing to:

Minnesota Corrections Board
Suite 238
Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101

### *Quo Vadis?*

The areas of criminal law, sentencing, corrections, and parole are in a volatile state. After nearly a century of slow, painstaking progress in the area of corrections, we are suddenly confronted with rapid-fire suggestions for change.

The voices of change come from both the right and left but for different reasons . More conservative elements suggest that rising crime rates and high recidivism prove the failure of the existing approach. Liberals point out the inequities of the system that results in disproportionate minority representation in our jails and prisons and the failure of the rehabilitation ideal. Both sides suggest a "just deserts" model for the criminal justice system. Those sides differ greatly, however, on what constitutes "just deserts." In the meantime, the gross inequities which contribute to the greatest disparities go unchallenged. Judges still are without guidelines for sentencing, and plea bargaining by prosecutors goes unchecked. Until those flaws in the criminal justice system are corrected, the need continues for administrative review of sentences at the end of the system.

Recently, federal courts have ended their "hands off" approach to parole decision-making, and advocates of determinate sentencing have emerged from the academies and legislatures. As a result, paroling authorities have made long overdue reassessments of their function and are becoming the first sector of the criminal justice system to develop guidelines to structure and regularize the exercise of their discretion. The "back end" of the criminal justice system is taking the leadership role in bringing equal justice to equally situated inmates.

Will parole survive the current attacks? It is too soon to tell. If punishment becomes the dominant goal of the criminal laws, the results are predictable. The inequities in the current system will be magnified as the proportion of minorities and poor in our prison populations increases. Under a punishment model, legislatures are unlikely to establish short sentences. Institutional populations will soar, and tremendous capital investments will be required for new prisons--prisons filled with hopeless men and women shorn of their human capacity to effect their own destiny. Prison unrest and turmoil of recent years will look tame by comparison. And the punishment model will not cause a reduction in the crime rate.

These results are clear if the lessons of history are studied. Unfortunately, those who refuse to learn from history are doomed to repeat its failures.

If parole does survive, it will not be by "stonewalling" in the face of attack. Many of the current criticism are well-founded. Parole boards must exercise vigorous and creative leadership in solving these problems through administrative and procedural reform, and, if neccessary, by legislation which will preserve the essence of indeterminate sentencing. Rehabilitation has never been the *raison d'etre* of indeterminate sentencing. Criminal sentencing must serve a number of important and, at times, conflicting goals, including rehabilitation, punishment, protection, deterrence, and others. The indeterminate sentence is the best way to apply these goals--each with their due weight--to individual cases. Properly reformed, indeterminate sentencing can be the most effective and most fair method of imposing criminal sanctions.

PAROLE RELEASE DATE MATRIX
(Effective 11-15-76)

| Severity Level/Offenses | | Number "Yes" Responses on Worksheet | 0 | 1-2 | 3-4 | 5 | 6 | |
|---|---|---|---|---|---|---|---|---|
| | | Predicted Group Failure Rate | 11% | 20% | 35% | 49% | 63% | |
| | | Risk of Failure Level | I. | II. | III. | IV. | V. | |
| | UUMV<br>Possession of a Controlled Substance<br>Forgery, Aggravated Forgery, Uttering a Forged Instrument | | 4-12 | 5-12 | 6-12 | 11-17 | 18-28 | |
| I. | Aggravated Criminal Damage to Property—no weapon<br>Burglary—no weapon—not in dwelling<br>Receiving Stolen Property<br>Simple Arson<br>Theft—$100 to $2,500 ; Theft by Check<br>Terroristic Threats<br>Defeating Security on Personality<br>Damage to Public Property | | 5-12 | 6-12 | 11-17 | 18-24 | 25-36 | ELIGIBLE FOR MAP<br>(Except where noted) |
| II. | Theft—more than $2,500<br>Burglary—weapon—not in dwelling<br>Burglary—no weapon—dwelling<br>Escape from Custody<br>Aggravated Criminal Damage to Property—weapon*<br>Indecent Liberties—no injury*<br>Criminal Sexual Conduct—Fourth Degree*<br>Possession of Controlled Substance with intent to Sell*<br>Dangerous Weapon—Machine Gun | | 6-12 | 11-17 | 18-24 | 25-32 | 33-45 | |
| IV. | Burglary—weapon—dwelling**<br>Simple Robbery<br>Aggravated Arson<br>Aggravated Assault<br>Indecent Liberties—injury<br>Kidnapping—no injury<br>Criminal Sexual Conduct—Third Degree<br>Attempted Murder—Second Degree ; Third Degree<br>Incest<br>Sexual Intercourse with Child—over age 16.<br>Confining own Child ; False Imprisonment<br>Burglary with Tool**<br>Theft from Person<br>Sale of a Controlled Substance | | 17 | 24 | 32 | 40 | 53 | |
| V. | Aggravated Robbery<br>Manslaughter—Second Degree<br>Criminal Negligence<br>Attempted Murder—First Degree<br>Conspiracy to Commit Murder—First Degree<br>Sexual Intercourse with Child—age 14 to 16 | | 24 | 32 | 45 | 60 | 76 | NOT ELIGIBLE FOR MAP<br>(Except where noted) |
| VI. | Manslaughter—First Degree<br>Criminal Sexual Conduct—First Degree ; Second Degree<br>Kidnapping—injury<br>Sodomy ; Sodomy with Child<br>Sexual Intercourse with Child—age 10 and under, and age 11 to 13. | | 42 | 50 | 60 | 75 | 92 | |
| VII. | Murder—Third Degree | | 72 | 86 | 109 | 135 | 170 | |
| VIII. | Murder—Second Degree | | 86 | 108 | 145 | 194 | 240 | |
| X. | Murder—First Degree | | 204 | 241 | 301 | 385 | life | |

*Not Eligible for MAP Contract **Eligible for MAP Contract.

*Figure B.1: Parole Release Date Matrix*

# APPENDIX C: CASE EVALUATION FORMS

North Carolina Parole Commission

Time Served to Date: _____ months     Total Sentence: _____ months

Number of Prior Hearings: _______

Date: ____________________________

Short Description of the Present Offense: ________________________

______________________________________________________________________

______________________________________________________________________

A. Seriousness of the Offense: *Please place a slash mark on the line below to indicate your estimate of the seriousness of the present offense.*

|  |  |  |  |  |  |  |  |  |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| very low seriousness |  |  |  |  | greatest possible seriousness |  |  |  |

B. Parole Prognosis:

|  |  |  |  |  |  |  |  |  |  |  |
|---|---|---|---|---|---|---|---|---|---|---|
| 0 | 10 | 20 | 30 | 40 | 50 | 60 | 70 | 80 | 90 | 100 |
| very unfavorable |  |  |  |  |  |  |  |  |  | very favorable |

C. Institutional Discipline:

|  |  |  |  |  |  |
|---|---|---|---|---|---|
| very poor | poor | adequate | good | very good | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

D. Program/Work Participation

|  |  |  |  |  |  |
|---|---|---|---|---|---|
| very poor | poor | adequate | good | very good | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

E. Assaultive Potential:

|  |  |  |  |  |
|---|---|---|---|---|
| very low | low | moderate | high | very high |
| 1 | 2 | 3 | 4 | 5 |

F. Prior Criminal Record:

|  |  |  |  |  |
|---|---|---|---|---|
| none | minor | moderate | serious | extensive |
| 1 | 2 | 3 | 4 | 5 |

G. Social Stability: (Employment/Drug Use/Alcohol Usage/Etc.)

|  |  |  |  |  |
|---|---|---|---|---|
| very low | low | moderate | high | very high |
| 1 | 2 | 3 | 4 | 5 |

Decision: ____________________________ C.M. Initial: ___________

Other Salient Factors: ________________________________________

______________________________________________________________________

*Figure C.1: Case Evaluation Form*

Virginia Parole Board

Date: ______________

Date of Birth: ______________

*Please complete this form for all inmates serving twelve months or more in a state correctional institution. Remember, your best estimate is requested; it is not expected that you will provide exact answers to these questions.*

Short Description of the Present Offense/s: ________________________

________________________________________________________________

A. Seriousness of the Offense: *Please place a slash mark on the line below to indicate your estimate of the seriousness of the present offense.*

________________________________________________

1 2 3 4 5 6 7 8 9 10

very low seriousness — greatest possible seriousness

B. Parole Prognosis: *Please place a slash mark on the line below to indicate your estimate of the likelihood that the subject will successfully complete parole.*

________________________________________________

0 10 20 30 40 50 60 70 80 90 100

very unfavorable — very favorable

*Please circle the phrase which most closely approximates your evaluation of the subject on the following five dimensions.*

C. Institutional Discipline:

| | | | | | |
|---|---|---|---|---|---|
| very poor | poor | adequate | good | very good | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

D. Program/Work Participation:

| | | | | | |
|---|---|---|---|---|---|
| very poor | poor | adequate | good | very good | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

E. Assaultive Potential:

| | | | | | |
|---|---|---|---|---|---|
| very low | low | moderate | high | very high | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

*Figure C.2: Case Evaluation Form*

F. Prior Criminal Record:

| none | minor | moderate | high | very high | no information |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

G. Social Stability:

| very low | low | moderate | high | very high | no information |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Time Served to Date: ____________ months

Total Sentence: _________________ months

Number of Prior Hearings: ______________

Decision: ______________________________

Other Salient Factors: ______________________________________________

______________________________________________________________________

______________________________________________________________________

Initials of Interviewer: ______

*Figure C.2: Case Evaluation Form (continued)*

Louisiana Board of Parole

Docket Number: ____________ Name of Board Member: ______________

Date: ____________________ Number of Prior Hearings: ___________

Time Served to Date: _____ months Maximum Sentence: _____ months

Offender Class: ___________ Transient _____ or Native _______

*Please complete this form for all inmates serving twelve months or more in a state correctional institution. Remember, your best estimate is requested; it is not expected that you will provide exact answers to these questions.*

Short Description of the Present Offense: __________________________

______________________________________________________________

A. Seriousness of the Offense: *Please place a slash mark on the line below to indicate your estimate of the seriousness of the present offense.*

______________________________________

1 2 3 4 5 6 7 8 9

very low seriousness greatest possible seriousness

B. Parole Prognosis: *Please place a slash mark on the line below to indicate your estimate of the likelihood that the subject will successfully complete parole.*

______________________________________________

0 10 20 30 40 50 60 70 80 90 100

very unfavorable very favorable

*Please circle the phrase which most closely approximates your evaluation of the subject on the following dimensions.*

C. Institutional Discipline:

| | | | | | |
|---|---|---|---|---|---|
| very poor | poor | adequate | good | very good | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

D. Program Participation:

| | | | | | |
|---|---|---|---|---|---|
| very poor | poor | adequate | good | very good | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

*Figure C·3: Case Evaluation Form*

E. Assaultive Potential:

| very low | low | moderate | high | very high | no information |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

F. Prior Criminal Record:

| none | minor | moderate | serious | extensive | no information |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

G. Prior Juvenile Record:

| none | minor | moderate | serious | extensive | no information |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

H. Social Stability:

| very low | low | moderate | high | very high | no information |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

I. Parole Plan:

| none | poor | fair | good | very good | no information |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

J. Prior Supervision Record: (including probation and parole)

| none | poor | fair | good | very good | no information |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

K. Police Objection:

| none | minor | moderate | strong | very strong | no information |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

L. Judicial Objection:

| none | minor | moderate | strong | very strong | no information |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

M. Community Attitude:

| none | poor | fair | good | very good | no information |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Other Salient Factors: ____________________________________________

____________________________________________________________

Decision: _______________________

*Figure C.3: Case Evaluation Form (continued)*

## Missouri Board of Probation and Parole

Name of Board Member/Case Analyst: ________________ Date: __________

___ Review or _____ Hearing Case Number: __________

*Please complete this form for all inmates serving twelve months or more in a state correctional institution. Remember, your best estimate is requested; it is not expected that you will provide exact answers to these questions.*

Short Description of the Present Offense: ____________________________

______________________________________________________________________

______________________________________________________________________

A. Seriousness of the Offense: *Please place a slash mark on the line below to indicate your estimate of the seriousness of the present offense.*

1 2 3 4 5 6 7 8 9

very low seriousness — greatest possible seriousness

B. Parole Prognosis: *Please place a slash mark on the line below to indicate your estimate of the likelihood that the subject will successfully complete parole.*

0 10 20 30 40 50 60 70 80 90 100

very unfavorable — very favorable

C. Institutional Discipline:

| | | | | | |
|---|---|---|---|---|---|
| very poor | poor | adequate | good | very good | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

D. Program Participation:

| | | | | | |
|---|---|---|---|---|---|
| very poor | poor | adequate | good | very good | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

E. Assaultive Potential:

| | | | | | |
|---|---|---|---|---|---|
| very low | low | moderate | high | very high | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

*Figure C.4: Case Evaluation Form*

F. Prior Criminal Record:

| | | | | | |
|---|---|---|---|---|---|
| none | minor | moderate | serious | extensive | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

G. Social Stability:

| | | | | | |
|---|---|---|---|---|---|
| very low | low | moderate | high | very high | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

Time Served to Date: ________ months

Maximum Sentence: ___________ months

Number of Prior Hearings: __________

Decision: __________________________

Other Salient Factors: ______________________________________________

______________________________________________________________________

______________________________________________________________________

______________________________________________________________________

*Figure C.4: Case Evaluation Form (continued)*

State of California
Department of the Youth Authority

Case YA#: ____________

Date: ________________

*Please complete this form for all wards. Remember, your best estimate is requested; it is not expected that you will provide exact answers to these questions. (See reverse side for guide.)*

Short Description of the Present Offense (Court Finding): ____________

________________________________________________________________

A. Seriousness of the Offense: *Please place a slash mark on the line below to indicate your estimate of the seriousness of the present offense.*

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

very low seriousness — greatest possible seriousness

B. Parole Prognosis: *Please place a slash mark on the line below to indicate your estimate of the likelihood that the subject will successfully complete parole.*

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0 | 10 | 20 | 30 | 40 | 50 | 60 | 70 | 80 | 90 | 100 |

very unfavorable — very favorable

*Please circle the phrase which most closely approximates your evaluation of the subject on the following five dimensions.*

C. Institutional Discipline:

| | | | | | |
|---|---|---|---|---|---|
| very poor | poor | adequate | good | very good | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

D. Program Participation:

| | | | | | |
|---|---|---|---|---|---|
| very poor | poor | adequate | good | very good | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

*Figure C.5: Case Evaluation Form*

E. Assaultive Potential:

| very low | low | moderate | high | very high | no information |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

F. Arrest Record:

| none | minor | moderate | serious | extensive | no information |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

G. Prior Criminal Record (Conviction or Sustained Petition):

| none | minor | moderate | serious | extensive | no information |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

H. Social Stability:

| very low | low | moderate | high | very high | no information |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Time Served to Date:

Local: __________

Y.A.: __________

Maximum Jurisdiction:

Juvenile Court (21): ____________

Criminal Court

Misdemeanor (23): ____________

Felony (25): ______________

Number of Prior Hearings: __________

Decision:

Under Section 30: ________________________________________

________________________________________________________

If Section 30 did not exist: ______________________________

________________________________________________________

Other Salient Factors: ___________________________________

________________________________________________________

Figure C.5: Case Evaluation Form (continued)

### Short Description of the Present Offense

Example: Burglary -- Was it a business, residence, or other?
What was the purpose -- money, drugs or rape?
Robbery -- Was he armed? Was anyone injured?

### A. Seriousness of the Offense

Crimes against persons will usually have a higher seriousness rating than crimes against property. However, a series of property offenses may have a higher rating than a simple battery.

### B. Parole Prognosis

Consider committment offense, prior delinquent/criminal history, age, male/female, environment of possible placement, case report diagnosis, initial home and attitude.

### C. Institutional Discipline

The base may be established as follows:

Disciplinary action below Level III occurring within a one-year period: 0 - 1, very good; 1 - 2, good; 2 - 3, adequate; 3 - 4, poor; 4 or more, very poor.

Disciplinary action at Level III occurring within a one-year period: 0 - very good; 1 - good or adequate; 2 - poor; 3 or more - very poor.

This base could be used interchangeably in arriving at the grading factor. For instance, the ward may have one Level III and two below Level III and be graded poor.

### D. Program Participation

This category is usually established by the staff's report as it focuses on the ward's progress in obtaining goals.

Figure C.5: Case Evaluation Form (continued)

E. Assaultive Potential

A psychiatric and/or psychological study may be the best indicator. Actual behavior may also add information in grading the potential from very low to very high. No history of violence may be graded either with no information or, if it is obvious that the ward has been in a stressful situation and did not react in a violent manner, as very low. From this point on, it is the grader's view of the ward's involvement in violent situations.

F. Arrest Record

The grading of this item runs from "none" to "extensive." For the purpose of the grading base, separate the arrests into misdemeanor and felony: misdemeanor: 0, none; 1-2, very low; 2-3, low: 3-4, moderate; 4-5, serious; 5 or more, extensive; felony -- 0, none; 1, low; 2, moderate; 3, serious; 3 or more, extensive.

G. Prior Criminal Record

The base for grading the arrest record can be used as the base for grading the prior criminal record.

H. Social Stability

Example: A person may be graded in the very low category if he is educationally retarded, has a moderate or above arrest and conviction record, is unemployed, unmarried, and is a transient. A very high rating may apply to a person with a record of steady employment, married, and participating in community activities; or an unmarried person who has a background of stable family life. The initial home report should be a good reference source.

Time Served relates to time spent in a local and/or Youth Authority facility to the present offense.

Number of Prior Hearings relates to the number of Youth Authority hearings for the present offense.

When the form is completed, staff will attach it to the copy of the Board agenda that is sent to the Administrative Officer of the Youth Authority Board.

Figure C.5: Case Evaluation Form (continued)

State of Washington
Board of Prison Terms and Paroles

Board member: ____________________ Institution: ________________

Date of Meeting: ________________ Number: ______________________

Type of Meeting: ________________

*Please complete all the items on this form; if no information is available, please indicate appropriately. PLEASE DO NOT LEAVE ANY ITEMS BLANK.*

Short Description of Present Offense: ______________________________

____________________________________________________________________

____________________________________________________________________

A. Seriousness of the Offense: __________________________________

1 2 3 4 5 6 7 8 9

very low seriousness — greatest possible seriousness

B. Parole Prognosis: *Please place a slash mark on the line below to indicate your estimate of the likelihood that the subject will successfully complete parole.*

____________________________________________________________________

0 10 20 30 40 50 60 70 80 90 100

very unfavorable — very favorable

C. Institutional Discipline:

| | | | | | |
|---|---|---|---|---|---|
| very poor | poor | adequate | good | very good | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

D. Program Participation:

| | | | | | |
|---|---|---|---|---|---|
| very poor | poor | adequate | good | very good | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

*Figure C.6: Case Evaluation Form*

E. Assaultive Potential:

| | | | | | |
|---|---|---|---|---|---|
| very low | low | moderate | high | very high | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

F. Nature of Prior Criminal Record:

| | | | | | |
|---|---|---|---|---|---|
| none | minor | moderate | serious | very serious | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

G. Social Stability:

| | | | | | |
|---|---|---|---|---|---|
| very low | low | moderate | high | very high | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

Time Served to Date: _____ months    Maximum Sentence: _____ months

Minimum Term: ____________ months    Check One: _____ Mandatory minimum

_____ Not Mandatory min.

Has the mandatory minimum ever been waived:

_____ Yes    _____ No    _____ Not applicable    _____ No information

Number of Prior Hearings: _________

Decision: *(please check and complete as many of the following as apply to this case)*

_____ Minimum term set at _____ months    _____ Grant parole

_____ Progress hearing set for _______    _____ Deny parole

_____ Parole hearing set for _________    _____ Defer decision

_____ Other *(please specify)*: ____________________________________

Salient Factors: ______________________________________________________

______________________________________________________________________

______________________________________________________________________

*Figure C.6: Case Evaluation Form (continued)*

New Jersey State Parole Board
Case Evaluation Form

Month of Meeting: ______________________________

*Please complete all of the items on this form; if no information is available, please indicate appropriately. PLEASE DO NOT LEAVE ANY ITEMS BLANK.*

Short Description of the Present Offense: ______________________

____________________________________________________________

____________________________________________________________

A. Seriousness of the Offense: ______________________________

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| very low seriousness | | | | | | | | greatest possible seriousness |

B. Parole Prognosis: *Please place a slash mark on the line below to indicate your estimate of the likelihood that the subject will successfully complete parole.*

______________________________________________

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0 | 10 | 20 | 30 | 40 | 50 | 60 | 70 | 80 | 90 | 100 |
| very unfavorable | | | | | | | | | | very favorable |

C. Institutional Discipline:

| | | | | | |
|---|---|---|---|---|---|
| very poor | poor | adequate | good | very good | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

D. Program Participation:

| | | | | | |
|---|---|---|---|---|---|
| very poor | poor | adequate | good | very good | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

E. Assaultive Potential:

| | | | | | |
|---|---|---|---|---|---|
| very low | low | moderate | high | very high | no information |
| 1 | 2 | 3 | 4 | 5 | 6 |

*Figure C.7: Case Evaluation Form*

F. Prior Criminal Record:

| none | minor | moderate | serious | extensive | no information |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

G. Quality of Parole Plan:

| very poor | poor | moderate | good | very good | no information |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Time Served to Date: _____ months Maximum Sentence: _____ months

Offender Class: ________________________________________

No. of Prior Hearings: _____ No. of Prior Paroles: _____

No. of Prior Parole Revocations: _____ No. of Prior Probations: ____

No. of Prior Probation Revocations: _____

Has the subject escaped within the last year? ____________________

Has the subject failed to return from furlough within the last year?

________________________________________________________________

Has the subject failed on work release within the last year?

________________________________________________________________

Projected Date of Release: _________

Decision: ________________

Date of Next Hearing: ______________

Salient Factors: ______________________________________________

________________________________________________________________

*Figure C.7: Case Evaluation Form (continued)*